

known connections with gangster elements in Chicago, Dallas, New Orleans, Havana and elsewhere.

In addition, the Bureau had specialists on Cuban and Cuban exile activities. They were not called on in the assassination investigation, even though both Oswald and Ruby had suspected ties to Cubans or Cuban exiles.

Mr. Chairman, a former official of the FBI is here today to testify about the investigation of the Kennedy assassination. He is James R. Malley, who joined the Bureau as a special agent in 1937. Mr. Malley was an inspector in the General Investigative Division and principal assistant to Director Alex Rosen. He played an important role in putting together the Bureau's four-volume report on the assassination given to the President in December 1963.

Subsequently, as the FBI liaison officer to the Warren Commission, Mr. Malley was in a position to closely observe the key role in the assassination investigation played by the FBI.

Mr. Malley retired from the FBI in 1971. It would be appropriate at this time to call him.

Chairman STOKES. The committee calls Mr. Malley.

Mr. MALLEY. Where do you want me to sit?

Chairman STOKES. At the witness table right in front of me.

TESTIMONY OF JAMES R. MALLEY

Chairman STOKES. Please stand and be sworn. Do you solemnly swear the testimony you will give before this committee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MALLEY. I do.

Chairman STOKES. Thank you. You may be seated.

The Chair recognizes counsel for the Committee, Mr. James McDonald.

Mr. McDONALD. Thank you, Mr. Chairman.

Would you please state your full name for the record?

Mr. MALLEY. My full name is James R. Malley.

Mr. McDONALD. And were you employed by the FBI, Mr. Malley?

Mr. MALLEY. From 1937 until 1971.

Mr. McDONALD. And in what capacity did you begin your service with the FBI?

Mr. MALLEY. As a special agent.

Mr. McDONALD. What was your position in November 1963?

Mr. MALLEY. I had been designated as inspector at the time and was working as an assistant or No. 1 man, you might say, to Assistant Director Alex Rosen, in charge of the General Investigative Division.

Mr. McDONALD. What did your duties entail?

Mr. MALLEY. My actual duties were very broad. I was supposed to try to keep track of everything going on in the General Investigative Division, handle routine matters I did not feel was necessary to send into the Assistant Director, also see all mail that was going to him and, in general, to double check on things that were going on in four different sections in the Bureau's General Investigative Division.

Mr. McDONALD. Mr. Malley, let me direct your attention to November 22, 1963. You were employed then as the inspector for Mr. Rosen?

Mr. MALLEY. That is right.

Mr. McDONALD. That was a Friday. Were you working that day?

Mr. MALLEY. I was working that day.

Mr. McDONALD. And when did you learn of the assassination of President Kennedy?

Mr. MALLEY. Returning from lunch I turned on a radio that was available while I was sitting in Mr. Rosen's office in his absence. I turned on the radio to catch, I believe it was the 12:30 news. That was the first time I learned anything about it.

Mr. McDONALD. And what did you do in an official capacity?

Mr. MALLEY. Before I had any opportunities to do anything, and I can't recall the exact time, I was contacted by Associate Director Al Belmont.

Chairman STOKES. Excuse me just a moment. We are having a little difficulty hearing you. Mr. Malley, if you can put that mike a little closer.

Mr. MALLEY. I don't think you want me to talk louder; you merely want it a little closer?

Chairman STOKES. Right. Thank you very much.

Mr. MALLEY. Mr. Belmont was in the same position that everyone else was in. He knew, I knew, that we had no actual jurisdiction. He did indicate to me that he had been in touch with Mr. Shanklin, who was the Special Agent in charge of Dallas, and that he would be back in touch with me as soon as there was more definite information available. That was about it for the time being.

Later in the day, and I presume it must have been close to 3 o'clock, I was either told by telephone or asked to come down to Belmont's office, I cannot recall which, at which time he informed me that the General Investigative Division would be handling the assassination case of President Kennedy.

Following that, and still not having many details to go on, I started lining up personnel that would be available on a round-the-clock basis to handle whatever might develop.

Mr. McDONALD. Were you given any specific instructions as to what your role would be?

Mr. MALLEY. Not at that time.

Mr. McDONALD. And your immediate supervisor was Mr. Rosen?

Mr. MALLEY. That is correct.

Mr. McDONALD. Was he present that day?

Mr. MALLEY. He was not. He was scheduled to go on annual leave that morning and instead of taking off as he had planned to leave the city, he was ill and did not leave the city at all. He eventually came back to the office sometime the following week.

Mr. McDONALD. Did you have any meetings with Mr. Hoover on that day?

Mr. MALLEY. I did not.

Mr. McDONALD. What were the next set of instructions you received on Friday afternoon?

Mr. MALLEY. I don't recall that I received any instructions on that particular afternoon. In reading this statement, Mr. Blakey

has mentioned that there was a lot of confusion. There was. Because up until around 7 o'clock, if my memory is correct, there was a definite uncertainty as to what jurisdiction the Bureau had.

As I understand it, Belmont had instructed the Dallas office to be certain that they stayed in a position where they would know exactly what was going on and what the Dallas police were doing so that possibly nothing would be interfered with in the way of evidence and nothing lost.

Mr. McDONALD. Did there come a time when you proceeded to go to Dallas?

Mr. MALLEY. There was. On Sunday, after the shooting of Ruby, I am sorry, of Oswald by Ruby, I heard it on television. I had been at the office all morning and had just gone home around 12 o'clock. My wife heard it on television while I was changing clothes, mentioned there was going to be a rerun. I listened to that and immediately dressed and started back to the office and arrived around 2 o'clock.

When I arrived there, Courtney Evans was sitting in Mr. Belmont's office, who had not had time to get to the office yet. He was talking to Mr. Hoover. Following that call I was told that I was on my way to Dallas.

Mr. McDONALD. And who is Courtney Evans?

Mr. MALLEY. Mr. Evans at that time was an Assistant Director in charge of the Special Investigative Division.

Mr. McDONALD. Were you given any instructions on going to Dallas?

Mr. MALLEY. There was no time for instructions. I was told to get the first plane that I could and Evans commented that undoubtedly by the time you arrive in Dallas, Belmont will have a number of instructions for you and he probably will be on the phone waiting for you to arrive.

Mr. McDONALD. Did you receive any instructions when you got to Dallas?

Mr. MALLEY. I did. As I recall, I arrived in the Dallas office somewhere near 8 o'clock, possibly a little later, and was immediately told to get in touch with Mr. Belmont, which I did. Mr. Belmont informed me that the Director had been in touch with President Johnson, that the President was very upset about the number of comments being made by certain individuals in Dallas, mainly the district attorney, the chief of police, and the sheriff's office. He requested that I contact each one of them and see if I couldn't put a stop to miscellaneous statements they were making relating to the assassination and what investigation was going on.

Mr. McDONALD. Did Mr. Belmont relate to you anything specific as far as what President Johnson wished to have told to these individuals?

Mr. MALLEY. To the best of my recollection, it was simply a statement that the President was extremely unhappy and desired that the individuals be requested to stop talking about the assassination.

Mr. McDONALD. And did you in fact relay those instructions?

Mr. MALLEY. As soon as I was able to contact each one of them by telephone I did so. I was unable to reach the District Attorney for some time because about 2 minutes before an agent tried to

reach him in his office, he had left to appear on television, and again for some time related different things that he felt were important to the assassination.

Mr. McDONALD. Mr. Malley, tell us what happened upon your arrival in Dallas and what the status of the investigation was at that time?

Mr. MALLEY. In answering you truthfully I couldn't tell you what the status was. I had so many telephone calls when I arrived there that I had to take care of that it was some time before I had a chance to even ask questions.

Shortly after contacting the three individuals that I have mentioned to you, I had a telephone call from Mr. Belmont telling me that a detailed memorandum setting forth all information that was known concerning the assassination was to be prepared and be back in Washington on Tuesday morning. I was also requested to have prepared the same type of memorandum relating to the shooting of Oswald by Jack Ruby.

It was mentioned that two men from Washington who were familiar with the type of a memorandum that would be necessary would be in Dallas some time that night, probably around 4:30. My instructions were to get hold of the necessary people in Dallas, to accumulate all the data that had been prepared from Friday up to that time on Sunday night, to get it lined up in some kind of sensible order, in order they could start reviewing it and start preparing the two memorandums requested.

Mr. McDONALD. Who was directing the investigation in Dallas?

Mr. MALLEY. It was under the overall direction of the SAC, Gordon Shanklin.

Mr. McDONALD. What role did you play?

Mr. MALLEY. I was supposed to oversee the entire thing, to make sure that the Bureau's interests were properly looked after, to make sure that there were no unnecessary delays on anything, and that everything possible was done to find out exactly what the correct facts were.

Mr. McDONALD. You had been working on the case over the weekend prior to going to Dallas?

Mr. MALLEY. I had been in the office a great deal. When you say working on it, I saw a great many teletypes, a lot of other information, files were being checked in Washington for any possible helpful information there, and I couldn't tell you right now exactly what I did over that weekend before I left for Dallas.

Mr. McDONALD. Did you in fact convey President Johnson's instructions to each of the three men you mentioned?

Mr. MALLEY. I did.

Mr. McDONALD. What was their reaction?

Mr. MALLEY. The Chief of Police was very cordial, said he would be glad to do it but he didn't know how to go about it, and if my memory serves me correctly, I suggested that he had no problem, all he had to do was either say he had no comment to make or the matter is under investigation and I do not care to discuss it.

The Sheriff was extremely cordial and said he didn't recall that he had been making many comments but we would see that he didn't if he had.

In speaking with Henry Wade it was a little bit different story. He informed me that he had been a former FBI agent, which I was well aware of, that he had been district attorney for a number of years, that he felt that he was qualified to decide what statements he could make and what ones he should not make.

If I remember correctly, I said, you are certainly entitled to your opinion but in this instance the President of the United States is asking you to refrain from such comment, but you do what you want to, but this is what the President wants. That is about it.

Mr. McDONALD. Now, you have testified you arrived in Dallas after Oswald was shot by Jack Ruby?

Mr. MALLEY. That is correct.

Mr. McDONALD. When you arrived at the Dallas FBI office, what was the status of the investigation as far as its moving toward completion?

Mr. MALLEY. I just answered you, Mr. McDonald; from the time I got there I had so many things to do I would have no idea. It was a number of hours after I was there that I was even able to start asking questions.

Mr. McDONALD. Prior to your going to Dallas, what was your perspective as to the case itself?

Mr. MALLEY. I hadn't formed any ideas of any kind. The President had been shot on Friday; Oswald was shot on Sunday; it was much too early to form any ideas.

Mr. McDONALD. Mr. Malley, I am going to read to you from a memorandum that was prepared by Walter Jenkins to President Johnson—Mr. Blakey also referred to it in his narration—the memorandum reflecting a phone call with J. Edgar Hoover, and the memorandum is dated November 24, 1963, two days after the assassination. The pertinent paragraph quoting Mr. Hoover states: "The thing that I am concerned about, and so is Mr. Katzenbach, is having something issued so we can convince the public that Oswald is the real assassin."

What would your comments be on that? We are talking about two days after the assassination. This is probably being written contemporaneously with your arriving in Dallas.

Mr. MALLEY. Not having talked to Mr. Hoover, I certainly am not in a position to say what was going on in his mind. I can give you my interpretation of what he would have meant by it. That would simply mean that because of such a crime of that magnitude, he was talking to either the President or Jenkins, whichever it was, saying that the public needs to be settled down.

As far as saying that Oswald is the man and nobody else, I don't think you can take that interpretation from such a one sentence remark such as that.

Mr. McDONALD. I am looking at a memo dated November 26, 1963, from Mr. Evans to Mr. Belmont and it is titled "The Assassination of President Kennedy," and it says—this is dated 4 days later, "From the facts disclosed in our investigation, there is no question that we can submit in our report convincing evidence, beyond any doubt, showing Oswald was the man who killed President Kennedy."

Then at the bottom of this page there is handwriting, which has been identified as Mr. Hoover's. And in the last line Mr. Evans is

making reference that a case of this magnitude cannot be fully investigated in a week's time. And Mr. Hoover has written underneath, "just how long do you estimate it will take."

Then under that he went on to write, "it seems to me we have the basic facts now."

Again, we are 4 days after the assassination. You were in Dallas at the time.

Mr. MALLEY. I don't recall that I was asked by anyone how long it was going to take. If I had been I would have told them I had no idea because of the magnitude of what needed to be done in Dallas alone, not counting anything that might go on elsewhere. The volume of work was such that no one could estimate the time.

If I recall correctly, it was either Tuesday or Wednesday following the assassination that I was asked if we had sufficient personnel, and I requested that 40 more agents along with clerical help, stenographic help, be sent into Dallas to assist those who were already there. So certainly I did not feel it was going to be completed within any week.

Mr. McDONALD. You were asking for additional agent personnel, and as reflected in these memos, at the top level, at least there was an opinion being formed that the case essentially was wrapped up.

Mr. MALLEY. I won't agree with you because I don't know what they were doing in Washington. I know where I was and I know what had been done, and I think you may be interpreting remarks about wanting to get something out to the public to let them know what had been developed up to that time as a misinterpretation of what the Bureau intended to do later.

Mr. McDONALD. I will quote one more memorandum to you, and that is dated 29 November 1963, which is found in the Senate Intelligence Committee's, the Church Committee's, Book 5 Report on page 34. In it, the memorandum is by Mr. Hoover, recounting a telephone conversation he had that day with President Johnson. And he says, "I advised the President that we hoped to have the investigation wrapped up today but probably won't have it before the first of the week, as another angle had developed. Again we are getting an example of at the top level the case being in a sense completed.

Now, again, from your Dallas perspective does this jibe with what you were doing in Dallas?

Mr. MALLEY. Well, again, I say that when people say that they hoped to have it completed and so on, I don't think for a minute they were talking about having every facet fully and exhaustively investigated. I think what they are saying is that, based on the information that was available at that time, the essential facts of the investigation had been developed. It doesn't mean it was over by any means.

Mr. McDONALD. Mr. Chairman, the memorandums that I have just quoted from have been marked JFK exhibits F-457, F-458, and F-459. I move that they be received into the record at this time.

Chairman STOKES. Without objection, they may be entered into the record at this point.

[The above marked JFK exhibits F-457, F-458, and F-459 follow:]

JFK EXHIBIT F-457

4:00 P.M.

November 24, 1963

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#457

Mr. J. Edgar Hoover said as follows:

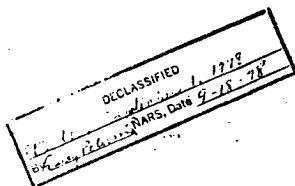
There is nothing further on the Oswald case except that he is dead. Last night we received a call in our Dallas office from a man talking in a calm voice and saying he was a member of a committee organized to kill Oswald. U

We at once notified the Chief of Police and he assured us Oswald would be given sufficient protection. This morning we called the Chief of Police again warning of the possibility of some effort against Oswald and he again assured us adequate protection would be given. However, this was not done. U

They brought him out of the City Jail and were taking him to the County Jail when a man stepped out and shot him in the stomach. This man was arrested at once. He goes under the name of Jack Leon Ruby but his real name is Rubenstein. He runs two night clubs in Dallas and has the reputation of being a homosexual. Immediately after the shooting, he (Oswald) was moved to Parkland Hospital and died about 45 minutes ago. We had an agent at the hospital in the hope that he might make some kind of a confession before he died but he did not do so. U

Ruby says no one was associated with him and denies having made the telephone call to our Dallas office last night. He says he bought the gun about three years ago and that he guarded his grief over the killing of the President made him insane. That was a pretty smart move on his part because it might lay the foundation for a plea of insanity later. U

I dispatched to Dallas one of my top assistants in the hope that he U

~~SECRET~~

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DATE OF DECLASSIFICATION INDEFINITE

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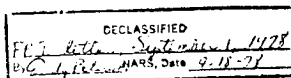
might stop the Chief of Police and his staff from doing no damage much talking on television. The chief is strongly in a check against Oswald until we have the most information. We found the weapon, we identified the handwriting, we identified the fingerprints on the brown bag. u

We were able to identify the bullets as coming from this gun. All the Dallas Police had was the so witnesses who immediately identified him as the man who shot the police man who was killed. He was shot shortly after the President was killed. He was shot in the back of the head and the head was shot from the back of the head. He was the man who boarded the boat. u

Oswald had been having for Oswald John D. Lee. His lawyer and that, with only that kind of evidence, could have turned the case around. Mrs. Oswald. All the talking down there is. It was requested a change of venue on the basis that Oswald could not have gotten a fair trial in Dallas. If they keep on talking, perhaps someone will be tried of Ruby. u

Chief of Police Harry Landrum came to me. Chief of Police of the Homestead Squad, who is giving much information to the press. Since we now think it involves the United States on a conspiracy charge under Section 2381, we will turn it over. Furthermore, I have ordered the evidence to be sent to the Dallas Department. We sent most of the evidence back to them. We still have the bullets that were used and will send them. u

The thing I am concerned about, and so to Mr. Katzenbach, is having something issued so we can continue the public that Oswald is the real assassin. Mr. Katzenbach states that the President might appoint a Presidential Commission of three outstanding citizens to make a determination. I countered with a suggestion that we would do an investigative report in the Attorney General with photographs, laboratory work, etc. Then the Attorney General can make the report to the President and the President can make his decision to make it public. S
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FACSIMILE

November 24, 1963

SECRET

4:00 P.M.

Mr. J. Edgar Hoover said as follows:

There is nothing further on the Oswald case except that he is dead. Last night we received a call in our Dallas office from a man talking in a calm voice and saying he was a member of a committee organized to kill Oswald.

We at once notified the Chief of Police and he assured us Oswald would be given sufficient protection. This morning we called the Chief of Police again warning of the possibility of some effort against Oswald and he again assured us adequate protection would be given. However, this was not done.

They brought him out of the City Jail and were taking him to the County Jail when a man stepped out and shot him in the stomach. This man was arrested at once. He goes under the name of Jack Leon Ruby but his real name is Rubenstein. He runs two night clubs in Dallas and has the reputation of being a homosexual. Immediately after the shooting, he (Oswald) was moved to Parkland Hospital and died about 45 minutes ago. We had an agent at the hospital in the hope that he might make some kind of a confession before he died but he did not do so.

Ruby says no one was associated with him and denies having made the telephone call to our Dallas office last night. He says he bought the gun about three years ago and that he guessed his grief over the killing of the President made him insane. That was a pretty smart move on his part because it might lay the foundation for a plea of insanity later.

I dispatched to Dallas one of my top assistants in the hope that he

DECLASSIFIED

FBI ltr, September 1, 1978

By Trudy Peterson NARS, Date 9-18-78

SECRET

CLASSIFIED BY 4915 - 7/18/78

EXEMPT FROM GDS CATEGORY 2 & 3

DATE OF DECLASSIFICATION INDEFINITE

SECRET

-2-

might stop the Chief of Police and his staff from doing so damned much talking on television. They did not really have a case against Oswald until we gave them our information. We traced the weapon, we identified the handwriting, we identified the fingerprints on the brown bag.

We were able to identify the bullets as coming from that gun. All the Dallas Police had was three witnesses who tentatively identified him as the man who shot the policeman and boarded a bus to go home shortly after the President was killed. He got on a bus to go home to get a shirt and the bus conductor tentatively identified him as the man who boarded the bus.

Oswald had been saying he wanted John Abt as his lawyer and Abt, with only that kind of evidence, could have turned the case around, I'm afraid. All the talking down there might have required a change of venue on the basis that Oswald could not have gotten a fair trial in Dallas. If they keep on talking, perhaps the same will be true of Ruby.

Chief of Police Curry I understand cannot control Capt. Fritz of the Homicide Squad, who is giving much information to the press. Since we now think it involves the Criminal Code on a conspiracy charge under Section 2-11, we want them to shut up. Furthermore, I have ordered the evidence be secured by the Police Department. We sent most of the evidence back to them. We still have the bullets that were fired and will keep them.

The thing I am concerned about, and so is Mr. Katzenbach, is having something issued so we can convince the public that Oswald is the real assassin. Mr. Katzenbach thinks that the President might appoint a Presidential Commission of three outstanding citizens to make a determination. I countered with a suggestion that we make an investigative report to the Attorney General with pictures, laboratory work, etc. Then the Attorney General can make the report to the President and the President can decide whether to make it public. I felt this was better because there are several aspects which would complicate our foreign relations.

(deletion)

DECLASSIFIED

FBI letter, September 1, 1978

By Trudy Peterson NARS, Date 9-18-78

SECRET

(deletion)

And since this has nothing to do with proof that Oswald committed the murder, I made the suggestion to Mr. Katzenbach that instead of a Presidential Commission, we do it with a Justice Department report based on an FBI report.

Oswald having been killed today after our warnings to the Dallas Police Department, was inexcusable. It will allow, I am afraid, a lot of civil rights people to raise a lot of hell because he was handcuffed and had no weapon. There are bound to be some elements of our society who will holler their heads off that his civil rights were violated -- which they were.

We have no information on Ruby that is firm, although there are some rumors of underworld activity in Chicago. Of his two night clubs, one is a strip tease joint and the other is a liquor place.

WJ:yb

DECLASSIFIED
FBI letter, September 1, 1978
By Trudy Peterson NARS, Date 9-18-78

SECRET

JFK EXHIBIT F-458

UNITED STATES GOVERNMENT
Memorandum

TO : Mr. Belmont

DATE: November 26, 1963

FROM : A. Evans

SUBJECT: ASSASSINATION OF PRESIDENT KENNEDY

Deputy Attorney General Katzenbach called with reference to the report which is to be submitted by the FBI in relation to the circumstances surrounding the assassination of President Kennedy.

He noted that a tremendous responsibility had been placed on the FBI in this instance by President Johnson because this report, which is to be publicized, is for the purpose of assuring the American public and the world as to what the facts are in Kennedy's assassination and setting to rest the many, many rumors that have been circulating and speculation both in the United States and abroad.

Katzenbach noted in this regard that we are being called upon to, in many instances, prove the negative. For example, he observed that there has been considerable speculation in the press in the United States and in Europe that the assassination was part of a communist or Castro conspiracy. There have also been allegations that Oswald and Ruby were known to each other and were part of a conspiracy. It has been further alleged that Oswald was killed to silence him.

Katzenbach noted that it is, of course, more difficult to prove that something did not occur than to prove what actually happened. As a consequence, it is his belief there might have to be some so-called editorial interpretation. He noted that the report will be subjected to the closest scrutiny by the world-wide press and foreign governmental representatives, as well as by the American people. He knew that we were keeping this in mind in preparation of the report.

As Katzenbach understands it, the report is to be reviewed by the Justice Department and transmitted to the White House. In this regard, he feels it is his responsibility to do this personally for the Department. To this end, he said if it would be helpful he would be glad to review and discuss any preliminary drafts, since time is of the essence.

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Sullivan

NOT RECORDED
199 DEC 10 1963

CAE:vap (8)

JFK EXHIBIT # F-458

ORIGINAL FILED IN

Memorandum to Mr. Belmont

ACTION BEING TAKEN:

From the facts disclosed in our investigation, there is no question but that we can submit in our report convincing evidence beyond any doubt showing Oswald was the man who killed President Kennedy. The problem is to show motive and this, of course, is a condition of Oswald's mind and can be, at best, a speculative conclusion predicated upon circumstantial evidence. Oswald has admitted he was an avowed Marxist. The facts are not clear cut as to his relationship with organized communism, either the Communist Party or the pro-Castro organizations. The Domestic Intelligence Division has been reviewing this very matter so that our report may reflect the factual information we have in this regard. While neither the White House nor the Department should be able to contend that our report does not meet the required purpose, we must be factual and recognize that a matter of this magnitude cannot be fully investigated in a week's time.

*It seems to me
we have the
basic facts now.*

*Thurston
11/27/63*

JFK EXHIBIT F-459

34

-F-459

The following notation appears at the bottom of this memorandum in Director Hoover's handwriting:

The Presidential Report on both matters should not be prepared until *all* allegations and angles have been completed.*

The FBI delivered these reports to the White House and the Attorney General on December 5, 1963.

In a November 29, 1963, memorandum, Hoover recounted a telephone conversation he had that day with President Johnson:

The President called and asked if I am familiar with the proposed group they are trying to get to study my report—two from the House, two from the Senate, two from the courts, and a couple of outsiders. I replied that I had not heard of that but had seen reports from the Senate Investigating Committee.

The President stated he wanted to get by just with my file and my report. I told him I thought it would be very bad to have a rush of investigations. He then indicated the only way to stop it is to appoint a high-level committee to evaluate my report and tell the House and Senate not to go ahead with the investigation. I stated that would be a three-ring circus.

I advised the President that we hope to have the investigation wrapped up today, but probably won't have it before the first of the week as an angle in Mexico is giving trouble—the matter of Oswald's getting \$6,500 from the Cuban Embassy and coming back to this country with it; that we are not able to prove that fact; that we have information he was there on September 18 and we are able to prove he was in New Orleans on that date; that a story came in changing the date to September 28 and he was in Mexico on the 28th.⁹

On December 3, 1963, the UPI wire carried a story reported in various newspapers under the following lead:

An exhaustive FBI report now nearly ready for the White House will indicate that Lee Harvey Oswald was the lone and unaided assassin of President Kennedy, Government sources said today.¹¹

When he was informed of these news articles, Director Hoover wrote, "I thought no one knew this outside the FBI."¹² According to William Sullivan, Hoover himself ordered the report "leaked" to the press, in

* J.W.D.

⁹ Memorandum from Hoover to Tolson, Belmont, DeLoach, Mohr, Sullivan and Rosen, 11/29/63.

¹⁰ William C. Sullivan, former Assistant Director in charge of the Domestic Intelligence Division, stated that "on November 29, 1963, the FBI had no data to support the conclusion that there was no foreign conspiracy." (Staff interview of William C. Sullivan, 4/21/76.)

¹¹ Washington Evening Star, 12/3/63.

¹² Hoover handwritten note on UPI ticker of 12/3/63.

-JFK Exhibit F-459

Mr. McDONALD. When you were in Dallas, Mr. Malley, was active consideration being given to investigating the possibility of a conspiracy?

Mr. MALLEY. That existed from the minute it happened. I can't say that I saw a memorandum to this effect or a memorandum to that effect or a telephone call, but I do know that it was on everybody's mind, was there somebody else involved. It was an essential part of the investigation to find out.

Mr. McDONALD. These discussions of conspiracy, were they active in the Dallas field office?

Mr. MALLEY. You are asking me a question that dates back 15 years ago and I am not in a position to truthfully answer you and say this happened or that happened in the way of some conversation I had.

Mr. McDONALD. In light of Evans memo to Belmont with Mr. Hoover's writing, his handwriting, saying essentially we have got it all wrapped up, in your opinion, would that affect the investigation ongoing in the field, if Mr. Hoover was saying that he felt the investigation was essentially closed? Would that have an effect, in your opinion, on the way the Bureau handled the conspiracy aspects to the case?

Mr. MALLEY. To start off, I was handling 90 percent of the telephone calls between Washington and Dallas after I arrived, there may be a higher percentage. I know that I never received any comments from Belmont, the Director, or anyone else in Washington indicating that Mr. Hoover was saying that we would have the investigation finished in a few days. So I have to answer you by saying that it would have had no effect on anybody that I knew in Dallas unless somebody else got a telephone call and I was not made aware of it. It certainly had no effect on me.

Mr. McDONALD. You stated that you arrived in Dallas after Jack Ruby shot—

Mr. MALLEY. Around 7:30 to 8 o'clock on Sunday night.

Mr. McDONALD. Did this event have any effect on the Bureau's relationship with the Dallas Police Department?

Mr. MALLEY. I do not recall hearing of any friction that developed while I was in Dallas and I don't think there was any friction developed later. I think they remained on the same solid basis they were. I could be wrong.

Mr. McDONALD. Can you recall after the shooting of Oswald, did you yourself participate in any discussions as to the possibility of whether it was a related event, directly related to the murder of the President. In other words, if it involved a larger conspiracy, the possibility of a larger conspiracy?

Mr. MALLEY. Are you referring to other personnel in the Dallas office or what?

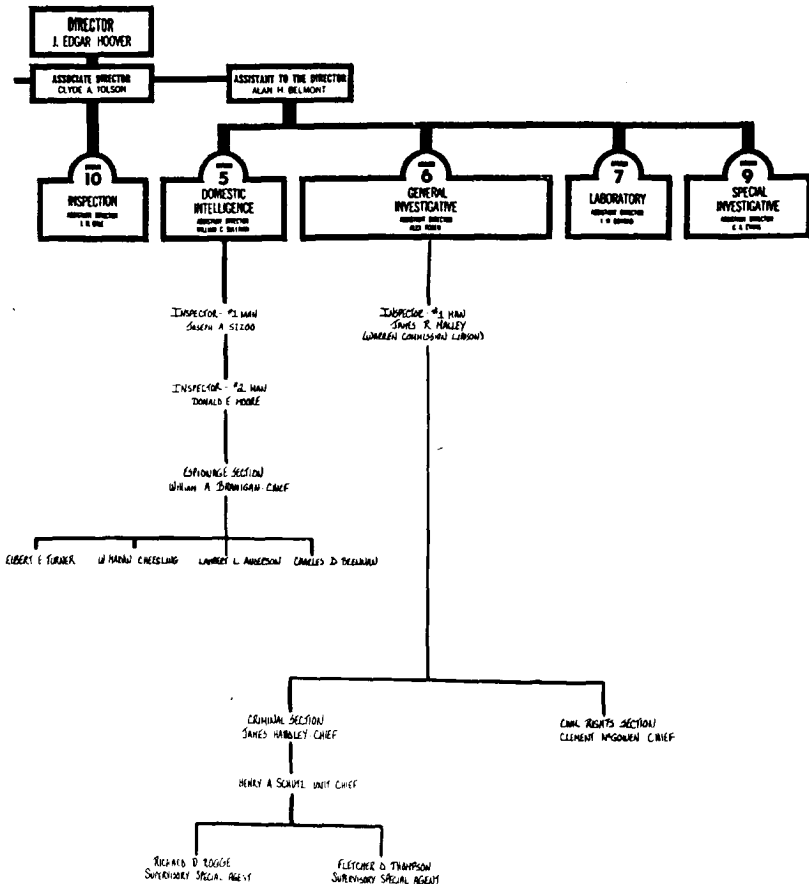
Mr. McDONALD. Either in the Dallas office or back at headquarters in Washington?

Mr. MALLEY. You gentlemen have had access to the file. I think you will find that teletype, if my memory is accurate, sent by the people at the seat of Government telling the Dallas office to not overlook the possibility and check thoroughly to see whether it could have been any police involvement in the shooting of Oswald by Ruby.

Mr. McDONALD. Mr. Malley, I am going to direct your attention to an organizational chart that we have prepared that I showed you before the hearing. If the clerk could display the organizational chart for us. It has been designated JFK exhibit F-456. If you would walk over to the easel we have a clip-on microphone. If you would give us a rundown of the organizational structure in the Bureau at the time of the assassination.

[JFK exhibit F-456 was received into the record.]

FBI FUNCTIONAL ORGANIZATION CHART



JFK EXHIBIT F-456

Mr. MALLEY. In 1963, at the time of the assassination, J. Edgar Hoover, as you heard previously, was the Director. The Associate Director was Clyde Tolson and one of the Assistants to the Director was Alan H. Belmont. Am I talking loud enough so you can hear me?

Mr. McDONALD. Yes. If you would stand on the other side of the easel.

Mr. MALLEY. Be glad to either way.

Mr. McDONALD. Thank you.

Mr. MALLEY. Under Mr. Belmont was the Domestic Intelligence Division, whose Director was William C. Sullivan; the General Investigative Division, whose Assistant Director was Al Rosen, and a Laboratory and Special Investigative Division, and I am not going to identify those people unless you want me to.

Mr. McDONALD. No, that is fine.

Mr. MALLEY. I failed to mention that under Mr. Tolson and Mr. Hoover was an Inspection Division whose Director at that time was Mr. James Gale. Under the Domestic Intelligence you had an inspector, No. 1 man in charge, Joseph A. Sizoo, another inspector, No. 2 man, Donald E. Moore, the Espionage Section under a section chief by the name of William A. Branigan, and there were a number of individual agent-supervisors who were assigned to this case. Do you want their names mentioned?

Mr. McDONALD. Not at this time, thank you.

Mr. MALLEY. In the General Investigative Division, I happened to be the No. 1 man, and as you heard, I was assigned to handle liaison with the, oh, you haven't heard yet, I was assigned to handle liaison with the Warren Commission.

There was also a criminal section, whose section chief was James Hanley. An individual by the name of Henry Schutz was a unit chief, under which was bank robberies and a number of other rather important criminal investigations, and there were two individuals that did work quite a bit on this particular case, by the name of Richard Rogge and Fletcher Thompson.

Mr. McDONALD. Mr. Malley, regarding Rogge and Thompson, you just said that they worked closely with you on the case.

Mr. MALLEY. They did in the early stages. They were the two individuals who were sent to Dallas to write the first two memorandums that I told you about, and we also had a civil rights section, which was under a section chief by the name of Clement McGowan. Does that cover what you have?

Mr. McDONALD. That is fine, thank you.

Mr. Malley, in the investigation of the assassination how did the various divisions participate in the case?

First of all, which was the primary division to run the case, the assassination case, and who was in charge of that investigation?

Mr. MALLEY. As far as the actual assassination is concerned, it was definitely in the General Investigative Division. When you say who is responsible, are you referring to what section it was being handled and what supervisor was primarily responsible?

Mr. McDONALD. Which person was primarily responsible at the top to begin with?

Mr. MALLEY. Well, because of what happened when I got back from Dallas I would say that I had to be.

Mr. McDONALD. What happened when you got back from Dallas?

Mr. MALLEY. Well, I had been told before I left Dallas, sometime in the afternoon, that the Warren Commission had been established, they would be functioning almost immediately, and that I was to return to Washington on the first plane that I could get out of Dallas. I came back that night, and the next morning I had a little note from the Director that I was to get in touch with Mr. J. Lee Rankin as soon as possible, with the telephone number on it. I didn't succeed for a day or two but I did make an effort continuously for the next days until I got it.

I then went up to see him and introduced myself. We had a rather long chat about things in general but nothing concerning any real developments because neither one of us were in a position to talk about it.

Mr. McDONALD. On what date was this again?

Mr. MALLEY. Strictly from memory, I think I returned from Dallas on December 12. I may be inaccurate.

Mr. EDGAR. Would the counsel yield?

Mr. McDONALD. Yes.

Mr. EDGAR. Would the witness talk into the microphone?

Mr. MALLEY. I am sorry, beg your pardon.

Mr. McDONALD. So you stated that you returned from Dallas on the 12th. On that day you were notified that you were going to be the liaison with the Warren Commission?

Mr. MALLEY. That is correct.

Mr. McDONALD. What duties were you to do? What were your duties going to be?

Mr. MALLEY. Well, very generally, I was to handle all contacts by telephone or in person with the Warren Commission. I was also to see that every piece of mail that went to the Warren Commission was personally delivered and in that respect I was not only liaison but I was the mailman, and I had specific instructions that nothing was to go to the Warren Commission that I hadn't seen and reviewed thoroughly.

Mr. McDONALD. Now, prior to December 12, the Bureau released its report on the assassination?

Mr. MALLEY. Yes, sir.

Mr. McDONALD. Did you play a role in the preparation of that report?

Mr. MALLEY. In that report I have to say no. I told you that two memorandums were prepared in Dallas which were returned to Washington the Tuesday morning after the assassination. I definitely reviewed those. I went over material that was being utilized in the preparation of them, and I don't know whether the two memorandums are in existence now. But, if you had read either one of them you would say that you saw the comment, this is the information that is available as of the writing of this memorandum.

Mr. McDONALD. When you refer to memorandum, you are referring to the report?

Mr. MALLEY. I am not. I am referring to a piece of paper similar to this, consisting of around 15 pages, I believe, on Mr. Ruby, I mean on the assassination of President Kennedy and around 8 or 9 on the shooting of Oswald by Ruby.

Mr. McDONALD. Well, the report came out in early 1963, prior to the 12th, and the report said in essence that Lee Harvey Oswald killed the President alone.

Do you know why this report was put out so rapidly?

Mr. MALLEY. I can only tell you that based on what I was told in Dallas, they wanted to put it out much faster than it was put out.

Mr. McDONALD. They wanted to.

Mr. MALLEY. It was strictly on the basis of letting the President, the Attorney General and a few others that they felt needed to know immediately what the facts were as of that time.

It was my understanding that information was going to be disseminated long before it was.

Mr. McDONALD. Were you aware——

Mr. MALLEY. I do not know what occurred in Washington that delayed it except one telephone call I had. After they had an opportunity to read the two memos, they said how do we know this is completely accurate. I said, if you can't take my word for it, I said, you have to wait until you get reports. There was nothing else I could say.

Mr. McDONALD. Prior to your return to Washington, when you learned you were going to be liaison with the Warren Commission, you must have been aware that they were discussing the formation of such a commission.

Mr. MALLEY. I don't remember whether I ever heard that there was a possibility of the Warren Commission being formed or not.

I have no way of thinking back and recalling whether I did or didn't.

Mr. McDONALD. Can you recall, as you knew, what the Bureau's reaction to the formation of such a commission was?

Mr. MALLEY. I never heard of anything one way or the other until you showed me a memorandum on it. The last time I talked to you I might have indicated to you the Director was unhappy. I don't interpret that memo that way.

Mr. McDONALD. So, it is your testimony you have no personal knowledge of what the Bureau's reaction, specifically Mr. Hoover's, was to the creation of the Warren Commission?

Mr. MALLEY. I could only give you my reaction when I was called into his office after I returned from Dallas and what he told me at that time. There was certainly no criticism. I was told that the Warren Commission had been established. I was the liaison representative, and he wanted full and complete cooperation with them and no information whatsoever withheld from them. Give them everything.

Mr. McDONALD. Mr. Malley, in the overall investigation of the assassination, what was the interaction between the various divisions in the Bureau, specifically general investigative and domestic intelligence?

Mr. MALLEY. To the best of my knowledge, there was complete cooperation between all the various people working on the assassination or the domestic intelligence aspect, and in the civil rights angle.

Mr. McDONALD. What was your relationship with William Sullivan, the Director of Domestic Intelligence?

Mr. MALLEY. Are you referring to this individual case?

Mr. McDONALD. Yes.

Mr. MALLEY. I don't think I had very many conversations with Sullivan on this particular case. I usually dealt with the section chief, Mr. Brannigan, or the individual supervisor.

Mr. McDONALD. What was the domestic intelligence section, what were they doing regarding the assassination case?

Mr. MALLEY. As you saw, they had five or six supervisors. To go back and tell you exactly what they were doing at this time, I cannot. I do know that they all had specific assignments in it and one of the fundamentals, again, was to prove or disprove whether there was any possibility that they could come up with of a conspiracy. It was also to develop all aspects of Oswald's personal life, where he had been from the time he returned from Russia, what he did before he went to Russia and anything else that might give us any assistance.

Mr. McDONALD. And this division handled the conspiracy aspect within that division?

Mr. MALLEY. There, again, it is difficult to say that they were the only ones doing it. They were primarily, because of their knowledge with various nationality groups, et cetera, and the fact they were looking into his entire personal life, they would have been in a better position to come across something than somebody handling criminal aspects.

Mr. McDONALD. You were in the General Investigative Division?

Mr. MALLEY. That's correct.

Mr. McDONALD. Would you have any direct knowledge or supervision over what was being done in the Domestic Intelligence Division as far as the assassination was concerned, considering your role as liaison with the Warren Commission?

Mr. MALLEY. Yes, I would, in that every report that was sent to the Warren Commission came to me before it went to Assistant Director Belmont and we both were charged by the Director with reading every word of it. In addition to that, there were literally hundreds of teletypes that came in from the field on various aspects of the investigation. Teletypes, which came into our division, regardless of whether they indicated there was anything to do with work going on over at Division 5, copies were made and sent to them.

Mr. McDONALD. When you say Division 5, what are you referring to?

Mr. MALLEY. That's the Domestic Intelligence Division, I beg your pardon. Likewise, any teletypes that came to them, whether it seemed to refer to our work or not, teletypes were sent to the General Investigative Division for information so if there was anything that could be tied in, they could do it.

Mr. McDONALD. Well, I am going to refer to the book 5 of the Senate Intelligence Committee, the Church committee report, where they are speaking of a supervisor in Domestic Intelligence Division who was reported to be the leading Cuban expert within the Bureau at that time, and he testified before the Church committee that he was never informed—first of all, he never even knew of any CIA assassination attempts against Fidel Castro. And this supervisor testified before that committee that he had no recollection of any Bureau investigation of Cuban involvement in

the Kennedy assassination. He was asked a question: "Were there ever any meetings that you recall where there were discussions as to whether or not the Cubans were involved in the assassination of President Kennedy?"

And he answered, "No; I don't recall. I would say no."

And they questioned, "Do you know if that possibility was investigated?"

Answer: "Well I can't even say that for sure, no, I can't."

Question: "Do you recall at any time ever seeing any memoranda or instructions that Cuban sources be contacted to see if there was any Cuban involvement in the assassination of President Kennedy?"

And he answered, "There were no such communications, to my knowledge, ever sent out from headquarters."

And they asked him: "If they were sent out, in all likelihood, would you have known about it?"

And he said, "Yes."

Now, this was the investigations being conducted, as you say, in Division 5, the Domestic Intelligence, and this is the leading Cuban expert in the Bureau at the time saying that during the assassination investigation, he wasn't even contacted to consider this aspect.

As liaison to the Warren Commission, and you did know the paperwork that was going on, what would your response be to his comments that he wasn't even involved?

Mr. MALLEY. I don't know how good his memory was. I do know that their division had the responsibility for keeping their own people aware of what was going on and if he didn't know what was going on in that section, I would say somebody was remiss.

Mr. McDONALD. I am sorry.

Mr. MALLEY. Somebody was remiss in not keeping him aware. I can't possibly answer what went on over in their division on a day-to-day basis. You know, and I know that there was an investigation concerning the possibility of Cuban involvement, if you reviewed the material. It would be impossible for me to think that he wasn't aware of it.

Mr. McDONALD. Is it your testimony the investigation would have been conducted by Division 5?

Mr. MALLEY. That part of it.

Mr. McDONALD. And we have this statement given in 1976 that the leading Cuban specialist wasn't involved.

Mr. MALLEY. That's his statement. I can't answer for him.

Mr. McDONALD. OK.

Turning now to the Special Investigative Division that you referred to on the chart, what was that division's responsibility?

Mr. MALLEY. I don't think they had any specific assignment. Courtney Evans, at that time, as I mentioned, was an Assistant Director and he was handling liaison with the Department, primarily with Robert Kennedy and other top officials of the Department.

Mr. McDONALD. Was part of their jurisdiction organized crime?

Mr. MALLEY. To the best of my memory, yes.

Mr. McDONALD. Can you recall, after the shooting of Oswald by Ruby, what consideration was given at that point to the possibility of organized crime involvement, either in the Ruby shooting of Oswald or the overall assassination of the President?

Let me ask one question further before you answer that. After Ruby shot Oswald, how long did it take the Bureau to learn about Jack Ruby himself, his background, his associates, the kind of person he was?

Mr. MALLEY. Well, from the standpoint of the type of person he was, I am sure that within an hour or so before we ever got near the investigation, the Bureau was probably well aware of the fact that he was running a night club which amounted to sort of a striptease place. And beyond that, I am not able to tell you when we really developed his full background data except that we did start so-called civil rights investigation on the basis that he had been shot while in custody of the police department, and that did give us the basis for jurisdiction.

Mr. McDONALD. So, this investigation was handled by the General Investigative Civil Rights Division?

Mr. MALLEY. General Investigative Division in the Civil Rights Section.

Mr. McDONALD. What consideration was being given at the time to the possibility of Jack Ruby being involved with organized crime in the commission of either of the shootings?

Mr. MALLEY. I can't tell you what they were doing back in Washington because I wasn't there until after December, the 12th. I do know that they were under instructions in Dallas to consider all possibilities of involvement to the nth degree of anyone, primarily on the basis that Ruby might have had some assistance. So, I can't answer you any more specifically than that.

Mr. McDONALD. As you pointed out, Courtney Evans was the Assistant Director of that division and he has appeared before this committee in deposition and interview. When he was asked whether his division had ever been asked to render assistance in the investigation of Jack Ruby or any organized crime aspects of the case, he said to us, I am quoting from an interview, "They sure didn't come to me. I know they sure didn't come to me. We had no part in that that I can recall."

This committee, in our look at this case, spoke to Mr. Charles Stanley. Do you know who he is?

Mr. MALLEY. Yes; I do.

Mr. McDONALD. He was Evans' principal assistant in 1963. And he was asked whether that division was ever asked to participate in the investigation of the assassination. And he told us:

I don't think we had one thing to do with it. To my knowledge, we were never brought in on that. I don't recall a thing coming through our division on Ruby or Oswald.

And then we spoke to Jack Danahey; do you know who he is?

Mr. MALLEY. I believe he was working in New York for many years. I don't know of him ever being in Washington.

Mr. McDONALD. In 1963, he was the assistant special agent in charge in your New York office. Apparently, he is widely regarded as an expert in organized crime. And he was asked if he or any other Mafia specialists in the Bureau were ever consulted on the investigation of Jack Ruby or any other aspects of the Kennedy assassination. And Danahey answered, and this was in our interview with our committee, "I know damn well I wasn't. No one said anything to me."

And lastly, we spoke to Mr. Al Staffeld, who is another official in the organized crime section and he was asked essentially the same question and he gave essentially the same answer, that he had no recollection of any involvement or any information or request for assistance coming to that division by those handling the assassination case.

With that in mind, could you explain to us how the General Investigative Division would have been handling any organized crime aspects, the possibilities, if there were some, to the assassination?

Mr. MALLEY. As briefly as I can, if any name showed up either in the investigation of the assassination of President Kennedy or in the investigation being conducted by the civil rights section of the shooting of Oswald, there is no question in my mind, and you would have to doublecheck with the supervisors, but if a criminal figure of any known standing had been mentioned or any criminal figure that had a lot of information in the files on him, I don't have any doubt they would have discussed it with the individual supervisors down in the organized crime unit.

That would not necessarily have been called to the attention of either Mr. Stanley or Mr. Evans, and it might not even have been called to the attention of Staffeld. If there was any reason to send any memorandum or letters or anything else through them to be initialed by that division, it certainly would have been done.

I do know that in the civil section—civil rights section—I was told they were in touch with him many times on individual names that came up in connection with possible criminal figures.

Mr. McDONALD. Mr. Malley, after the creation of the Warren Commission, first of all, what was the Bureau's relationship to the Commission, and you being the one essentially in the middle, how would you categorize the relationship?

Mr. MALLEY. Strictly a business relationship. No friendliness, no unfriendliness. Just strictly, you have your work to do, we have ours. If we want something from you, we will call you and ask for it. If we want further explanations, we will get them from you. There was never any animosity shown, that I am aware of.

At least, it didn't rub off on me if there was.

Mr. McDONALD. Prior to the creation of the Commission, the Bureau was handling the case on its own. The directives were coming out from Washington or Dallas, or wherever, to cover leads. Did this change after the Warren Commission was established?

Mr. MALLEY. Not for quite a long, long time. After the Warren Commission had had an opportunity to review the large number of reports that had been sent to them, they eventually started asking a few questions and in many instances, their questions were answered by saying, if you will look at the report of so and so on a certain page, the information is there and you haven't located it yet. In a few instances, they sent us letters or made telephone calls and said we have checked into this aspect; we feel that maybe it would be well to conduct a little further investigation and they would outline what they wanted.

As far as directing the investigation, they did not attempt to take over what we were doing. We continued to do our own investiga-

tion on everything we thought was necessary the entire time that they were in existence and up until the time I retired in 1971.

Mr. McDONALD. And you are saying that the Bureau continued its own investigation, you did not respond only to leads from the Warren Commission; is that what you are saying?

Mr. MALLEY. That's what I'm saying. We did our own work. Whenever they had any questions, we tried to answer them for them. They did not give us directives, you do this, you do that, you do this. When they had specific items they wanted to check on, they did tell us.

Mr. McDONALD. You stated you were in Dallas when you were told to meet with Mr. Rankin, the general counsel of the Warren Commission. Excuse me, you came back to Washington and were told you were going to be liaison.

Mr. MALLEY. I can't say I was told before I got back from Dallas, when I was told, I was going to meet with Rankin. I do know I was told in Dallas I would be handling liaison. I think I told you that I had a memorandum or something on my desk saying I was to get in touch with Rankin as soon as possible after I got back.

Mr. McDONALD. Were you aware of the fact that Mr. Hoover was involved in the, I guess we could say, the blocking of the first choice for the Warren Commission general counsel, a man by the name of Warren Olney. Were you aware of that situation?

Mr. MALLEY. I don't recall that I was ever told that.

Mr. McDONALD. Did you learn of it subsequently?

Mr. MALLEY. I don't remember it. If I did know it, I don't remember it now.

Mr. McDONALD. One of the other items that has come up over the years regarding the Warren Commission and Mr. Hoover was that it has been reported that Mr. Hoover had dossiers or files, on members of the Warren Commission and staffs. Were you aware of this, and I am not referring to security-check files, but just things that we would call a dossier. Are you familiar with that?

Mr. MALLEY. I don't recall that I was ever told. It seems to me it would be a normal procedure if you were dealing with a large number of staff members and committee members, that it would be well to know exactly what was transpiring on each one, from your standpoint of your dealings with him.

If one of them said this on a certain date, contradicted himself on another date, certainly, it would be well to have had a record of what was going on. So, when you refer to a file, a dossier on each one, I can well understand why they might have had such a thing.

Mr. McDONALD. Mr. Malley, I just have one further question. And that is with the benefit of hindsight of 15 years and looking back on what went on, in your opinion, was the overall investigation of both the assassination of the President and the murder of Lee Harvey Oswald handled properly?

Mr. MALLEY. Well, I might turn that around just a little bit and say you have had the benefit of the Church Committee investigations, you have had the benefit of the Warren Commission and you had the benefit of all our files. Maybe you could tell me what you feel we did wrong and I will be glad to answer what you think we did wrong.

Mr. McDONALD. Well, we appreciate you trying to turn the table on us—but, we are here to ask you questions.

Mr. MALLEY. No, I am not trying to turn the tables. I am just asking you what you feel we did wrong and if I am not entitled to that, well, that's that.

Mr. McDONALD. I am not here to answer questions. So with that, Mr. Chairman, I have no further questions.

Chairman STOKES. Thank you, Counsel. The procedure at this point will be that the Chair will yield himself such time as he may consume, after which we will then operate under the 5-minute rule.

Mr. Malley, one thing I would appreciate you clearing up for me that you just stated to Counsel for the committee, do I understand you to say that the Commission did their work and we did ours; is that your statement?

Mr. MALLEY. That is correct.

Chairman STOKES. And by that, what do you mean?

Mr. MALLEY. I meant, Mr. Stokes, exactly what I said, in that we were not asked to be leg-runners or do every little thing that they might think of. If they did have something to come up, we did it. We were operating independently on our own investigation, but definitely under instructions from Mr. Hoover that if they needed any clarification or had any requests to make of us, that we carry them out fully.

Chairman STOKES. Then, for further clarification, anyone having the understanding that in terms of the Commission's investigation that was being directed by them and the FBI was pursuing leads under their direction, that would not be true; is that right?

Mr. MALLEY. It would be true if they asked us. But the numbers of requests they made was minimum. They were reviewing reports, anything else that we sent to them and proceeding on their own to evaluate it and whenever they made a request, we did do it. You can say that we are an investigative arm when they needed us. But beyond that, we were not under their direction.

Chairman STOKES. So, the basic investigation was being completed under the total direction, then, of the FBI itself?

Mr. MALLEY. That's right.

Chairman STOKES. In terms of your responsibilities, what was your relationship with Assistant Director William Sullivan?

Mr. MALLEY. As I mentioned awhile ago, and I don't know whether you understood me, I said I do not recall very many conversations that I had with Sullivan in connection with the assassination and the Oswald case. I did have direct communication with other people in his division.

Chairman STOKES. You know, of course, that Assistant Director Sullivan is now deceased?

Mr. MALLEY. Yes.

Chairman STOKES. Let me read to you some excerpts from an interview with former Assistant Director Sullivan that was conducted by another House committee in 1975 after which I will ask for your comment.

In the interview, Mr. Sullivan was asked to recall Director Hoover's relationship to the Warren Commission. In the interview, Mr. Sullivan stated that Mr. Hoover, and I now quote Mr. Sullivan,

"did not like to see the Warren Commission come into existence, that he did show marked interest in limiting the scope of it or circumventing the scope of it by taking any action that might result in neutralizing it."

In this same interview, Mr. Sullivan went on further and said this, and I again quote "From what I saw and what I heard, what I understood, he, Mr. Hoover, was not pleased about the creation of the Warren Commission, No. 1. No. 2, he was not interested in seeing the Warren Commission conduct an exhaustive investigation of the assassination of President Kennedy because he thought that the FBI investigation was adequate."

Having heard this statement by Mr. Sullivan, would you concur in his observations on this point?

Mr. MALLEY. I would not, because I have no knowledge of what Mr. Sullivan was talking about when he says the Director was opposed to the creation and so on. The only comment I have heard along that line is the one that Mr. McDonald read awhile ago based on the telephone conversation with the White House. And I never personally heard him object to the Warren Commission in any way, shape, or form.

Chairman STOKES. In this same interview, Mr. Malley, Mr. Sullivan was asked whether he had seen anything in the files to indicate that Oswald had any relationship to the CIA. In response to this question, Mr. Sullivan answered in a rather ambiguous manner, and I quote his testimony at that point:

"No, I think that has been discussed. I think there may be something on that, but you asked me if I had seen anything. I don't recall having seen anything like that, but I think there is something on that point. Whether it is valid or not, I don't know. It rings a bell in my mind."

Now, it would seem that Director Sullivan was not giving a clearly negative response to that type of a question. And I wonder, from your investigation of this matter, whether you would make some comment with reference to that point.

Mr. MALLEY. I am not trying to avoid your question. I have difficulty answering it because when I was before the Church Committee, I was asked about some CIA material that had allegedly been delivered to the Bureau and that it had not been furnished by the Bureau to the Warren Commission.

The material they referred to me, I had no recollection of it at the time. Subsequently, I was shown a letter which was sent on November 23d to the President—it may have gone to the Attorney General—where it referred to a source in Mexico giving some information which related to the fact that Oswald had been in Mexico and had been in communication with the Soviet Embassy.

I do not know for sure. I can only assume where it came from. But I had no knowledge of it at the time I was before the Church Committee, that I can recall. Whether Mr. Sullivan had knowledge, he is the only one who could answer the question, or maybe somebody in his division who worked with him. I don't know what Mr. Sullivan did as far as any materials such as this.

Chairman STOKES. On that specific point, that is as much light you can shed on that point?

Mr. MALLEY. That is all I know about it.

Chairman STOKES. Let me now make reference to another segment of the same interview with Assistant Director Sullivan in 1975. This segment relates to what Mr. Sullivan perceived as gaps in the Bureau's investigation into the possibility of whether Lee Oswald was involved with others in the assassination.

Keeping in mind that Mr. Sullivan was the man in charge of directing the Bureau's investigation of any conspiracy aspects of the case, let me refer to these further comments by him.

"To my recollection, we never developed any conclusive evidence that would tie or bind Mr. Oswald to any foreign nation or to the instructions of any foreign nation directly or indirectly in connection with the assassination of President Kennedy. Now, there are gaps here that I would like to make very clear. These gaps certainly bothered the men in my division and they bothered me. And I am sure they bothered some of the men in the Dallas field office.

"For example, there is a gap as to what transpired when Mr. Oswald was in Russia. We really do not have any firm information on this at all."

From your own investigation, did you find the same or similar gaps?

Mr. MALLEY. If my memory is correct, another Government agency, who had access to information about Oswald's activities in Russia, furnished to the Warren Commission—my memory is not good enough to tell you that I had access to every word of it—but I would presume if they furnished it to the Warren Commission, it was given to us. That would have been given to the Domestic Intelligence Division inasmuch as it related to their activities, rather than the actual assassination.

Chairman STOKES. What about Mr. Sullivan's comment that there were other men in the division who found such gaps disturbing?

Mr. MALLEY. The only thing I can tell you, and I repeat what I have said before, there was very, very close coordination between the men, and I say that regardless of what Mr. Sullivan may have said because I know it of my knowledge.

And if there were any such gaps in anyone's mind, they certainly had an obligation to discuss it with the men in both divisions to see to it that they were cleared up, if possible.

Chairman STOKES. You are saying, then that no one discussed those gaps with you?

Mr. MALLEY. No.

Chairman STOKES. Mr. Malley, let me again quote Mr. Sullivan during the course of interview. He says, "It is my understanding from conversations on this subject, that he, Hoover, did not want the Warren Commission to conduct an exhaustive investigation for fear that it would discover important and relevant facts that we in the FBI had not discovered in our investigation. Therefore, it would be greatly embarrassing to him and damaging to his career and to the FBI as a whole."

And then when asked if he believed that the Dallas FBI's secret destruction of a letter from Lee Harvey Oswald could have been one of the things that Mr. Hoover was afraid the Warren Commission might uncover, Mr. Sullivan further stated as follows, and I quote him again: "Well, that could be, but it didn't happen to come

to my mind when you raised the question. I do think, though, and this is only an opinion, I do think that what he had in mind went beyond that. If he did have that in mind, it went to something more basic, that we might have failed to discover a relationship between Oswald and the Cubans, and if we had failed to discover a relationship between the two and the Warren Commission did, then we would, indeed, as a Bureau be in serious trouble."

Can we ask for your reaction to this point brought up by Mr. Sullivan?

Mr. MALLEY. With regard to the first part, where he is saying the Director was opposed to this, that and the other thing, I don't know if it was the first day I was back in Washington or the second, Mr. Hoover called for Belmont, his associate director, and myself, to come to his office. We were told in very firm conversation by the Director that we were to exhaustively pursue every aspect of any lead that developed, no matter how small it appeared to be, and to leave nothing to doubt.

If that sounds like the Director, who was trying to short-circuit the investigation, I can't understand plain English. I think that is a very, very important thing for you gentlemen to understand, that where I was concerned, Mr. Hoover never said anything except go forward to the *n*th degree on anything that comes to your attention.

Where Mr. Sullivan gets his information, I cannot tell you. He is dead and I am not going to make any statements that I can't back up personally.

Chairman STOKES. Mr. Malley, we have learned in the years since the assassination that Director Hoover secretly disciplined 17 Bureau officials for what he regarded as mistakes and deficiencies in their pre-assassination investigation of Lee Harvey Oswald.

The fact that these Bureau officials were punished for these deficiencies in the Oswald investigation was never revealed to the Warren Commission. It was never, in fact, publicly known until 1976. Let me now read to you a statement by former Assistant Director William Sullivan regarding this area and then I would like to ask for your further comments on this.

And I quote him: "I suggested that the disciplinary action was arbitrary but calculated rather than capricious. It was calculated, it was thought out as a means of Mr. Hoover protecting himself against any indictment that he was at fault in the assassination of President Kennedy. That the FBI, under his direction, had made mistakes and, therefore, he was culpable and apparently his reasoning, as we interpreted it at the time, was that if he ordered disciplinary transfers and letters of censure to a large number of men and then if he was charged with culpability in the assassination of President Kennedy, he could say these men are the ones responsible, and I have already taken disciplinary action against them."

Do you believe that this was true?

Mr. MALLEY. Again, I don't know where Mr. Sullivan got his information. I know that I was not made aware nor did I ever see the memorandum which you are referring to concerning the disciplinary action. I did hear that some had been recommended, but I

was never made aware of what went on. I think you would have to talk to somebody else who had more knowledge about it than I do.

Chairman STOKES. Were you personally familiar with any disciplinary action relative to Mr. Hosty, James Hosty?

Mr. MALLEY. Yes, in that there were certain things that occurred in Dallas that Hosty was involved in where I was told he would probably be recommended for some action based on some loose, unnecessary statements that he made the day of the assassination.

Other than that, I have no recollection of anything else.

One other thing. You mentioned this note. The first time I ever heard about the note was after it appeared in the newspapers. I believe it was a year ago this summer. I was questioned at that time by the Bureau when they were conducting their own investigation to find out who might have known about it at the time, and didn't reveal it.

Chairman STOKES. The first time you heard about the note was a year ago?

Mr. MALLEY. That's correct, when it came out in the newspapers.

Chairman STOKES. Thank you. I have no further questions.

The gentleman from Connecticut, Mr. Dodd.

Mr. DODD. Thank you, Mr. Chairman. Thank you, Mr. Malley, for being here this morning.

I would like to go back to the very first question that Chairman Stokes raised to you. I didn't write down your exact quote when you responded, but it struck me. You talked about the relationship between the Bureau and the Warren Commission. You described it as a business relationship. They asked for things and you would respond and it was a very, well, I guess, business relationship is maybe the best way to describe it. And I was a little struck by that.

It occurred to me that we had a commission that was set up by the President of the United States, that was chaired by the Chief Justice of the Supreme Court of this country, investigating the death of an American President.

I sensed, in your response, and this is my opinion, but I sensed in your response that the creation of the Warren Commission was a source of embarrassment to the Bureau because it, in effect, was saying that we can't rely on the Bureau to do a thorough and complete investigation of this matter, and we have to set up a separate commission.

Would I be incorrect in assuming that that was not an uncommon feeling among upper echelon people within the Bureau that, in fact, the creation of the Warren Commission was, in effect; a black eye; that the very fact it was created was a black eye for the Bureau?

Mr. MALLEY. The only answer I can give you on that is no official—

Mr. DODD. Is no what?

Mr. MALLEY. No official higher than I has discussed their feelings with me about the creation of the Warren Commission. I personally did not consider it any black eye to the Bureau. I felt that on such a matter as important as that, that if they wanted to create a commission to double-check what the Bureau was doing, they had a perfect right to do it, and I went along with the

Director's feeling that we should cooperate fully and do anything we could to help, which we did.

Mr. DODD. Your answer now has a bit of a different twist to it than it did when you originally answered it.

Mr. MALLEY. No, you are indicating that I felt there was something wrong, that I was not in agreement that the Commission should be created. If I gave that impression, I am sorry because it was none of my business whether they did or did not have a commission.

Mr. DODD. Let me ask you this: You talked about it as a business relationship, and I presume by that you mean that since you, the agency, the Bureau, was the body responsible for the collection of data, evidence and so forth, in effect, the Bureau was the investigating arm of the Commission. The Commission did not have a separate group of investigators. It relied upon the Bureau for the collection of information; isn't that correct?

Mr. MALLEY. That's correct.

Mr. DODD. Am I to assume further from your response to Mr. Stokes' question that unless the Commission asked for something specifically, unless they asked for certain data and evidence, that the Bureau was not forthcoming on its own with information—

Mr. MALLEY. No, that's a completely erroneous impression. We were constantly turning over reports, every time that one was received from the field, to the Warren Commission and gave it to them just as fast as we possibly could.

So, when you say that we were not doing anything unless they asked us, that is completely wrong.

Mr. DODD. The Bureau volunteered information?

Mr. MALLEY. We kept doing it up until the day they disbanded the Commission.

Mr. DODD. Why didn't you give them the Hosty letter?

Mr. MALLEY. Because I didn't know about it. If I had I certainly would have.

Mr. DODD. I am not suggesting you yourself, I am talking about the Bureau. If the Bureau was cooperating in giving information to the Warren Commission, you were aware of the Hosty letter, that is the Bureau was, why didn't the Bureau in the sense of cooperation you are describing, turn over the Hosty letter to the Warren Commission?

Mr. MALLEY. I can't answer the question because not knowing about it, I don't know what the thinking was of the people who had it or knew about it.

Mr. DODD. So, using that example, there was not a full sense of cooperation in terms of making the information available?

Mr. MALLEY. Well, I would have to say, is there a man in this room who never made a mistake in judgment?

Mr. DODD. I am not suggesting that there is a mistake in judgment. You are talking about a letter written in the hand of the man who has been accused of assassinating the President to an FBI agent in Dallas. That is not a mistake in judgment, that is a decision on the part of someone not to turn over a very valid and important piece of evidence.

Mr. MALLEY. I can't answer your question any more than saying what I have already.

Mr. DODD. Did you have any, or to your knowledge, did anyone in the Bureau have any kind of a special relationship with anyone who was a member of the Warren Commission? By that, I am asking you this: Did anyone who served on the Warren Commission, was any member of that Commission requested to provide information to the Bureau, from executive sessions, that would not otherwise have been available to the Bureau?

Mr. MALLEY. Not that I am aware of. There is a possibility that somebody may have been very friendly and talked to them, but I don't know of any special request that was ever made to anyone to keep them advised.

Mr. DODD. You never made any requests?

Mr. MALLEY. I did not.

Mr. DODD. To your knowledge, no one else made any requests of any member of that Commission to report on what the activities of the executive sessions of that Commission were?

Mr. MALLEY. Not that I can recall.

Mr. DODD. Mr. Chairman, I think my 5 minutes may be up. I will come back.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Connecticut, Mr. McKinney.

Mr. McKINNEY. Thank you, Mr. Chairman.

Mr. Malley, during the original investigation in Dallas, and when you were first brought in, was there a tremendous amount of pressure from the Bureau to get it done?

Mr. MALLEY. It would depend on how you interpret the comment that you have just made. There was all kinds of pressure to get everything under control as fast as you could. Everybody was reading things from the news media, radio, television and so on, questions were being asked, what about this, what about that, and no matter how much pressure you were getting, a group of men can only do so much in a given time in handling investigative work; whereas as far as I am concerned, I repeat again, I was never given any time limit that we had to have anything finished.

Mr. McKINNEY. In other words, at that stage in your investigation you did not feel that there was pressure being brought to bear that resulted in the investigation being anything but complete?

Mr. MALLEY. Not where I am concerned.

Mr. McKINNEY. Did you hear through general gossip columns of the FBI or your fellow colleagues, of any inordinate pressure being brought upon the FBI by the Attorney General or by anyone else in the administration, including the Director, to speed it up at any cost?

Mr. MALLEY. No.

Mr. McKINNEY. After the Warren Commission was established and you became liaison, the Committee is aware of several statements on the part of different people within the administration suggesting that they wanted the Warren Commission wrapped up as quickly as possible. Did you at that point as liaison to the Warren Commission, feel that this type of pressure was in any way hurting your efforts to fully supply the Warren Commission or fully answer any of the questions they had?

Mr. MALLEY. Truthfully, I cannot remember that such comments were made. It wouldn't have had any effect whatsoever on what

the Bureau did at that time regardless of whether they wanted to wind it up or whether they didn't. We were working on something and we would have continued it until we thought we had fully exhausted it.

Mr. McKINNEY. You made a statement earlier that you were sending reports to the Warren Commission right up to their dissolution, so to speak.

Did you feel, as an individual and as a long-term agent, and I gather a specialist in your field which was Communism in the United States, that the Warren Commission was brought to a close too soon, before it had all of the information the FBI had? Or, did you feel that it should have been continued longer?

Mr. MALLEY. The best answer I can give you on that is that the majority of reports that were being sent to the Warren Commission, after probably the middle of the summer, 1964, were rather innocuous reports of miscellaneous allegations and so on that were continuing to come in. I am not in a position to give you examples, but just things that would have to be checked out to see if there was anything to them.

I do think that the Warren Commission in their hearings, exhausted all of the fundamental aspects of the inquiry as I knew it at that time.

Mr. McKINNEY. The Warren Commission had rather a cavalier attitude toward the role of Jack Ruby, in fact almost to the point of suggesting that they could find no real ties between Jack Ruby and organized crime. How did you feel about their handling of the Ruby matter.

Mr. MALLEY. Well, when you say his ties with organized crime, the only comment I could make is from what I remember reading in reports. I do remember reading that there were several individuals, possibly high school associates of Ruby, that did eventually become pretty well known in organized crime. To the best of my—

Mr. McKINNEY. Wasn't it pretty well known to the FBI that Jack Ruby, No. 1, was a member of organized crime, No. 2, he ran a strip joint and has been somewhat commonly referred to as a supplier of both women and booze to political and police figures in the city of Dallas.

Didn't you find it a little difficult to accept the Warren Commission's final output on Ruby with the knowledge that the FBI had put into the Commission?

Mr. MALLEY. You are saying the final findings. All I know is that every effort was made to check out his activities completely and anything that we checked was given to them.

Now, I am not in a position to criticize what the Warren Commission findings were and I can't say that I agree or disagree with what they found, it is too many years ago.

Mr. McKINNEY. Do you think that the push for speed and a resolution to the Warren Commission's deliberations might have been one of the reasons why they were deficient in such areas as following through on Ruby?

Mr. MALLEY. Well, based on my conversations with Mr. Rankin I think if he felt we were shortchanging him on time that he would have made a statement for the record at that time to say so.

Mr. MCKINNEY. I have no more questions, Mr. Chairman.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Tennessee, Mr. Ford.

Mr. FORD. Thank you, Mr. Chairman.

Mr. Malley, yesterday, Mr. Kelly, with the Secret Service, testified that on December 9, 1963, they were instructed to turn over the assassination to the FBI. To what extent was this investigation continued by the FBI?

Mr. MALLEY. Are you referring to what Secret Service was doing or what?

Mr. FORD. No; when they turned the investigation over to the FBI on December 9, after receiving orders from the White House, to what extent was this investigation continued from that point on?

Mr. MALLEY. Well, I don't know whether I interpret your question correctly because we were already doing everything we possibly could. We continued to do so.

Mr. FORD. Mr. Kelly said yesterday that the Secret Service considered the case practically closed when Lee Harvey Oswald was arrested. I think you said earlier that the FBI did not feel that way, and so I am asking at this point what steps or how did you continue the investigation?

Mr. MALLEY. We never changed our position one way or the other. Just because Secret Service was dropping out of it we went right ahead with everything that we could possibly do to definitely establish not only the information we thought was correct, namely, Oswald was probably involved, but to firmly show it and see if there was anyone else involved, which we had in mind constantly.

Mr. FORD. Memos were coming from Director Hoover instructing that the case be wrapped up as soon as possible, is that correct,

Mr. MALLEY. That is what you are telling me. I wasn't in Washington at that time so I don't recall reading them when I got back.

Mr. FORD. One final question.

Could Director Hoover's attitude toward the Kennedys have had any effect or influence on the investigation of the assassination?

Mr. MALLEY. Well, I think I am going to say this for about the third or fourth time. He told me not to stop at anything, to go all out and do everything to thoroughly exhaust every possibility. That certainly wouldn't indicate that any relationship he had would have had any effect on our investigation.

Mr. FORD. Thank you.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

I would like to review again exactly the structure of authority in Dallas after you arrived there.

Is it your testimony that you were put in charge and that Shanklin and Hosty reported to you during their days out there?

Mr. MALLEY. Hosty did not report to me directly at any time. As far as Mr. Shanklin's position, he was the agent in charge of the office, I was sent down there to help coordinate the activities, to help him out in any way I could.

There were a number of days where I think that both of us were on the phone close to 16 to 18 hours a day, and beyond that, I don't know whether I know exactly what your question is.

Mr. FITHIAN. Well, who made decisions?

Mr. MALLEY. If there were any decisions to be made, if Shanklin was the one who received the information, he discussed it with me. If we agreed, fine. If we didn't agree, it was up to me to say yes or no.

Mr. FITHIAN. So, in other words, you were the authority in Dallas?

Mr. MALLEY. As far as from the standpoint of making any decisions on that level.

Mr. FITHIAN. OK. At the time you were conducting your investigation, did you know, were you aware that when Oswald killed Officer Tippit, presumably, that he was in about the most direct walking route that one could lay out between his apartment and Jack Ruby's?

Mr. MALLEY. I don't recall that I knew it immediately. It did come out because of checks that were made to try and tie in whether or not Ruby and Oswald had ever had any relationship of any kind, friendship, working relationship, or anything else, the Bureau's investigation did not ever reveal the slightest indication of a tieup between Ruby or they were ever—

Mr. FITHIAN. I understand that. I am just asking whether or not you were aware at the time the investigation was—

Mr. MALLEY. Sometime during the investigation I definitely was.

Mr. FITHIAN. And were you aware of a memorandum from Evans to Belmont, or the substance of that memorandum, dated November 26, 1963, which I believe is JFK F-457, in which it is clearly acknowledged, that at least there are rumors, this is not evidence, there are rumors, people want to know and it says "There have also been allegations that Oswald and Ruby were known to each other and were part of a conspiracy. It has been further alleged Oswald was killed to silence him."

Just to clarify for you in the record, I am not now espousing the theory that necessarily Ruby killed Oswald to silence him. What I am doing is this. This data was in the possession of the Bureau, that is, it was no news to you or anybody else that there were rumors that these two men were associated and, therefore, it seems to me rather pertinent that the chief investigative officer there on behalf of the Bureau would have known that, to the layman at least, it appears that Oswald might be walking from his apartment to Jack Ruby's at the time that he inadvertently came upon police officer Tippit.

My question is whether or not you at the time you were conducting the investigation were aware of that?

Mr. MALLEY. There is no way that I can go back 15 years and tell you when I became aware of it. While I was in Dallas I certainly went out and retraced the steps from here to here to here, to the rooming house he stayed in, and so on and so forth.

Mr. FITHIAN. So you were aware of it sometime before December 10th?

Mr. MALLEY. I think I left on the 12th.

Mr. FITHIAN. On the 12th, when you returned, you were aware of it some time?

Mr. MALLEY. I am reasonably sure I would have had to be.

Mr. FITHIAN. Let me move to another question.

I think you testified that you were not aware of a threatening note from Oswald to the Bureau in Dallas, to Hosty, in particular. At the time that the decision was made by someone of that important piece of evidence pertaining to Oswald's relationship with the Bureau and his feelings toward a Bureau agent, isn't that the kind of information that would be discussed between Mr. Shanklin and yourself prior to its destruction?

Mr. MALLEY. Had I known about it I would certainly have done something about it. I am sorry, he didn't tell me.

Mr. FITHIAN. Did you recommend to the Bureau any kind of censure or punishment or reprimand for either Hosty or Shanklin as a result of subsequently finding out that this had been destroyed and that, you while in charge, were not informed?

Mr. MALLEY. First of all, I didn't find out about it until a year ago, when I had been out of the Bureau for some 6 years. So I would not be making any recommendations as to what should be done about it.

Mr. FITHIAN. I ask unanimous consent to proceed for 2 additional minutes, Mr. Chairman.

Mr. FORD [now presiding]. The gentleman is recognized for 2 additional minutes.

Mr. FITHIAN. Were you made aware at any time during your stay in Dallas, or during the existence of the Warren Commission—were you made aware of the extent of Oswald's contacts with the FBI, that there was an actual security file on him? Did you know that when you arrived in Dallas?

Mr. MALLEY. I knew that on Friday, November 22. I had not had a chance to see the file before I left to go to Dallas because of the fact that there were a lot of people who were interested in seeing the file. They were working in the Domestic Intelligence Division. Subsequently numerous copies were made up and were available to anyone that needed one.

Mr. FITHIAN. Thank you.

I would like now to ask a question of a much more general nature and perhaps would call upon sort of your general philosophy and review of your thoughts while you were in the Bureau.

Yesterday we had some interesting testimony here from the Secret Service. One of the important aspects of that testimony was a rather clear indication on the part of the witness that he believed Oswald to be some kind of a nut, and it seemed to have emanated from this witness' view that anybody who attempted the assassination of the President of the United States would have to be psychopathic or he would have to be mentally out of order.

Would you concur with that general line of interpretation?

Mr. MALLEY. I am not in a position to give you a very direct answer. All I can tell you is that there are many people around the country that you would never know what their thoughts were or what they were capable of doing, and that because one does something on a spur of a moment or with a few days of deliberation, I don't know how you can describe the individual.

We do know that Oswald, 6 months before he killed Kennedy, took a shot at Oswald, I mean at General Walker. So the man's mentality must have been one of wanting to either do something where he would feel proud of himself, or something of that nature,

but that is not a very direct answer to what you have asked me. I just don't know how to answer you.

Mr. FITHIAN. I was just wondering if ever in any of the times when you were talking over coffee and—

Mr. MALLEY. The only thought that I have ever had on the matter is that from the very early stages of Oswald's life he seemed to be a complete loner, completely independent, and resented taking instructions from anyone.

Mr. FITHIAN. What I was trying to get at is whether or not you and the other high officials in the Bureau, when discussing this, either after the Kennedy case, after the Kennedy assassination, or before, generally tend to believe that the only person capable of actually trying to undertake the assassination of a President or a high official in the United States would have to be mentally unbalanced or off or different?

Mr. MALLEY. I wouldn't say that that is a complete necessarily correct situation.

You do know that where Oswald is concerned he did some planning on his own. You can say that he was mentally unbalanced. He was certainly smart enough to do a little figuring on that particular situation. He did manage to get away from the building, not for long, but he did manage to get away. Who is to say whether the man is unbalanced or whether he has just got a temporary point that he wants to make for himself and make some history, whether he is going to be prosecuted, killed or what himself, I don't know.

Mr. FITHIAN. Mr. Chairman, the reason I raise this question, is that I guess that I was increasingly disturbed by yesterday's testimony and I really kind of wanted to go back to that witness or to those witnesses, both of these agencies, and ask whether or not either agency would in retrospect have been able to detect or identify a politically motivated, apart from a pathologically motivated, psychopathically motivated, type of an assassination.

I guess I am not sure that we are fully aware that there are terrorists who for political reasons these days do things which cannot be normally attributed to somebody who is just mentally off. Maybe we would have thought that 15 years ago, that anybody who hijacked a French airliner or who did many of the kinds of sensational terrorist things that have happened in the last 5 years, or so, maybe we would have thought that only someone who was mentally warped could have done that, but my question, which is very ill phrased, and ineptly phrased, is whether or not, either then or now, the Bureau and the Secret Service and other agencies are really thinking in the dimension of today's world in terms of real terrorists, who act for political, not personally unbalanced reasons, and it disturbs me that that kind of thinking might have prevailed then and therefore, the whole investigation by the FBI was put in that direction rather than to immediately question and thoroughly investigate the potential of either a politically inspired collaborative thing or one in which organized crime was involved?

There are two or three other kinds of lines of investigation that seem to me to be rather inadequate by the Bureau and the Secret Service and the Warren Commission, as far as that is concerned, and that is why I was wondering what your philosophy was, where you were coming from?

Mr. MALLEY. Well, the only thing that I can say to you is that at that time and today you have literally hundreds of people walking around the streets that may be capable of violence or terrorist activities at any time. I don't know how the Government could afford to spend the money that would be necessary to keep a surveillance on everyone that they thought had the potential to do something out of the question.

Mr. FITHIAN. Mr. Chairman, I would like to return to this question but I am going to have to run and vote or miss that vote. Thank you very much.

Mr. EDGAR [now presiding]. I yield back to the Chairman and then I will ask some questions.

Chairman STOKES. The gentleman from Pennsylvania, Mr. Edgar.

Mr. EDGAR. Thank you, Mr. Chairman.

Mr. Malley, who is in charge of the Monday after Oswald's assassination by Jack Ruby, of the FBI's investigation into the death of President Kennedy?

Mr. MALLEY. Who was actually in charge of it? In Washington or in Dallas or where?

Mr. EDGAR. OK, let's start with the Federal Bureau of Investigation.

Mr. MALLEY. Well, I think you would say Mr. Alan Belmont, Associate Director under Mr. Hoover, was actually overseeing the entire investigation.

Mr. EDGAR. Again, would you sit closer to the mike? Mr. Alan Belmont?

Mr. MALLEY. That is correct.

Mr. EDGAR. In your opinion, Mr. Alan Belmont was in charge of the investigation?

Mr. MALLEY. Overall.

Mr. EDGAR. For the Federal Bureau of Investigation.

What was your relationship with him?

Mr. MALLEY. I described my prior position. I was, therefore, working under Belmont and then under Rosen, so there were two people, one person in between myself and Belmont.

Mr. EDGAR. At any time in the days following the assassination of President Kennedy, did you suggest or did you participate in a meeting to develop an investigative plan of where the Federal Bureau of Investigation was going to go in analyzing this particular case?

Mr. MALLEY. To say that that particular question, the purpose of a meeting, I cannot do it. I do know that I had many, many conferences with Mr. Belmont by myself, many with the supervisory staff that was working in the Division that I was from, as well as supervisors from the Domestic Intelligence Division.

Mr. EDGAR. Did the FBI have a plan?

Mr. MALLEY. Well, there was a definite plan, namely, the purpose of the investigation, as we have said five times already, was to find out whether there was any conspiracy involved and to make sure whether or not Oswald did actually kill the President.

Mr. EDGAR. Was that plan written down anywhere?

Mr. MALLEY. If it was, I am not aware of it.

Mr. EDGAR. Now, you have just indicated that the FBI had a plan and that that plan was not written down anywhere but—

Mr. MALLEY. I didn't say it wasn't. I said I am not aware of it.

Mr. EDGAR. You did suggest, though, that the verbal plan was to check out conspiracy?

Mr. MALLEY. Certainly.

Mr. EDGAR. What part did the FBI play in trying to coordinate the information of the CIA and Secret Service?

Mr. MALLEY. If we received any information from the Secret Service or the CIA we would have taken it into consideration in our own investigation.

Following the creation of the Warren Commission, I presume they gave their information to the Warren Commission. Whether they gave it to us, you would have to come up with a specific document and check.

Mr. EDGAR. Why wouldn't you have suggested that the FBI sit down with the CIA and the Secret Service to find out what information they had and to share with them what information you had about Lee Harvey Oswald, Jack Ruby, or anything relating to the assassination?

Mr. MALLEY. With respect to the Secret Service, while I was in Dallas no one was in more constant communication with Inspector Tom Kelly than I was. We talked very frequently on the phone. Following the assassination and back in Washington, I frequently had lunch with Tom Kelly and talked to him on the phone frequently. So I don't think you can say that we weren't aware of one another's problems and that we didn't try to help one another out a bit.

As to CIA relationships, that would have been handled by Mr. Sullivan's division and I can't offhand say what they did with CIA.

Mr. EDGAR. Did you talk to Mr. Kelly about the scope of the FBI's investigative plan?

Mr. MALLEY. I do not remember that I did.

Chairman STOKES. The time of the gentleman has expired.

Mr. EDGAR. Mr. chairman, I ask unanimous consent to continue for 3 additional minutes.

Chairman STOKES. Without objection, the gentleman is recognized.

Mr. EDGAR. Mr. Kelly testified yesterday that his agency checked out Lee Harvey Oswald's rifle in Chicago, and the purchase of that rifle, and discovered that the FBI had already been there and that some information was shared with the proprietor of the shop indicating that the FBI had said don't talk to anyone else about this. Do you know if that is accurate?

Mr. MALLEY. I don't have the slightest idea. I am not ignoring your question, I just don't know.

Mr. EDGAR. Just a few moments ago you said that the purpose of the Warren Commission—and I hope I am correctly quoting your words—was in essence to quote "double check the FBI's investigation."

Was that your testimony?

Mr. MALLEY. I don't recall that I said the purpose. I may have been asked a question where I said I would presume that they were asked to make certain what the FBI did and whether it was complete and thorough and so on.

Mr. EDGAR. Was that the attitude of the FBI at the time of the Warren Commission's formation?

Mr. MALLEY. We just went through this a little while ago, and I can't tell you of anybody that had any attitudes as such. They may have talked among themselves, I don't know what they did. All I know is that nobody tried to convince me that we were to do anything other than a very thorough job and cooperate fully with the Warren Commission.

Mr. EDGAR. But if the prevailing attitude were that of the same phraseology that you have just shared, it would indicate to me that the FBI was a bit paranoid about the Warren Commission in that it was in a sense looking over its shoulder and doublechecking it and looking at its investigation, and that is backed up by some comments that I just read in a report that we have in our folder here, the final report, book V of the investigation of the assassination of President John F. Kennedy reference of the intelligence agencies. It goes through a whole litany of concerns that the FBI had about the overseeing of its investigation and the things that the Warren Commission might find out.

Did it ever occur to you that the Warren Commission may have been formed to provide a coordinated function of putting together a puzzle and that rather than being a doublecheck of the FBI it was in essence using the FBI as its investigative arm, and it was looking at the Secret Service and the CIA and Oswald and Ruby and just trying to figure out what in fact took place in Dallas, and what it could tell the American people about that particular event, with no malice or intention of doing anything to the FBI.

Is that a possibility?

Mr. MALLEY. Well, unless I saw the instructions that were given to Mr. Rankin and the entire Warren Commission, I would certainly have no idea of the exact purpose for which they were established. I do know what I thought they were trying to do, and they were certainly trying to find out all the facts relating to the assassination, and I don't think they cared whether it was good or bad from the standpoint of whether we made mistakes or did something perfect, they wanted to know the correct situation and would bring out what happened. I don't think they were showing any partiality nor do I think they were showing malice.

Chairman STOKES. Time of the gentleman has again expired. The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

Mr. Chairman, in order that the record may be complete—and I welcome Mr. Malley here today—Mr. Malley, you and I have been acquainted for something in excess of 35 years, isn't that right?

Mr. MALLEY. That is correct.

Mr. DEVINE. And you and I were both assigned to the New York office at the same time?

Mr. MALLEY. That is right.

Mr. DEVINE. I believe you were in a supervisory capacity and I was just an ordinary special agent; is that right?

Mr. MALLEY. I wouldn't say an ordinary, Mr. Devine, I would say you were assigned there and were doing your job.

Mr. DEVINE. I believe that Assistant Director Belmont was also assigned to the New York office at that time?

Mr. MALLEY. That is correct.

Mr. DEVINE. And he has since deceased?

Mr. MALLEY. That is correct.

Mr. DEVINE. How long ago did he pass away?

Mr. MALLEY. I believe it was a year ago this spring, but I may be wrong. Time goes by fast.

Mr. DEVINE. Yes.

Mr. Malley, I am sorry that these rollcalls require us to be absent from time to time, and I understand that our chairman and perhaps our counsel questioned you about the statements attributed to Mr. Sullivan.

Are you in a position—you may have answered this—are you in a position to state whether or not Mr. Sullivan was looked upon with disfavor by the majority of your personnel?

I don't mean to put you on the spot.

Mr. MALLEY. I said before—Mr. Sullivan is dead, he can't speak for himself—I will repeat what I have told the two men from your committee, that I said to them, Mr. Sullivan was not an easy man to get along with and on a personal situation. I think I am correct in saying that three out of five telephone calls I ever had with him I ended up hanging up after a discussion where there was no possibility of discussing anything sensibly.

It all comes down to the fact that Mr. Sullivan had a very strong attitude, that if I say something, I am correct, and if you don't agree with me, you are wrong.

Mr. DEVINE. Are you in a position to say the circumstances under which he left the Bureau?

Mr. MALLEY. I had left the Bureau prior to that time so I am really not capable of saying. It would be strictly hearsay on my part. I do know from rumors that there were some difficulties encountered.

Mr. DEVINE. Mr. Malley, I think I know what your answer will be to this but I think it should be made clear for the record.

Did the Bureau have any preconceived notion on who was responsible for the Kennedy assassination and then conducted an investigation to confirm that preconceived idea?

Mr. MALLEY. Other members of your committee have indicated they might feel that we did that. That is not correct. As far as people who were working on the assassination, they had an open mind and still had an open mind up to the time that I left the Bureau in 1971 that there could be somebody else involved.

Mr. DEVINE. So that in this investigation the Bureau followed its time-tested policy of being purely a factfinding organization, seeking facts and not making recommendations, letting the chips fall where they may; is that correct?

Mr. MALLEY. That is correct.

Mr. DEVINE. Finally, Mr. Malley, I would like to refer to the narration our chief counsel, Mr. Blakey, when he was giving pretty much the history of the Bureau. In one place he indicated that J. Edgar Hoover's three distinct priorities were the fight against communism, statistics that reflected FBI progress, and the positive image of the Bureau.

He also had, according to some, two glaring blindspots in the areas of civil rights and organized crimes, which put him at odds with the Kennedy administration.

Are you in a position to make any comment upon the activities of the Bureau in the area of civil rights up to and including this time?

Mr. MALLEY. Yes, I think I am.

Mr. DEVINE. Would you state that, please?

Mr. MALLEY. Personally, while I was in the field, before I was called into the seat of government, I had several occasions where I was asked, not asked, told, to conduct civil rights investigations, which I did.

Back in the late middle-forties, while I was assigned as an assistant agent in charge in Houston, Tex., I attended a number of schools for police and sheriffs, where one of the topics to be discussed was the civil rights statutes, and explained to the police officers who were present the full details of why the investigations were being made on civil rights matters and the necessity of changing their ways, if they were engaging in any activities whereby they would be in violation of the civil rights statutes.

On returning to or coming back to Washington in 1952, there was a civil rights desk set up at the seat of government where they were supervising civil rights cases, and I do know that it was a pretty active desk. So when the comment is made that Mr. Hoover had no interest in civil rights, what his personal feelings were I cannot say, officially he was carrying out all obligations under the civil rights statute.

I also know that some claims were made concerning our attitude and when you say that we didn't take over and do things until the Kennedys came in, I remember one instance, which I would like for your record to show, namely, that certain people in the Civil Rights Division of the Department of Justice felt that they had a perfect right to have agents assigned to them to go out in the field and they would direct all of the agent's activities and not be in a position to do what they felt needed to be done except on the departmental attorney's instructions.

The Director flatly refused to assign personnel under those circumstances but did say, "you tell us the cases you want investigated, we will do them, turn the results over to you, and if you have any problems with our investigation we will do as much more or anything else that you want to ask us to do, but we will conduct our original investigation." Beyond that, I think I have covered it.

Mr. DEVINE. The second part of the question, Mr. Malley, had to do with organized crime and some conflict with the Kennedy administration. Are you in a position to comment on that? I know you were not assigned to the criminal division at that time.

Mr. MALLEY. I am not really in a position to comment about any conflict. I do know that following the Kennedy assassination, I am sorry, the Kennedy administration taking power, more emphasis was placed on organized crime. Beyond that I am not in a position to comment.

Mr. DEVINE. Thank you.

Chairman STOKES. Time of the gentleman has expired.

Mr. Malley, with reference to some of the answers you have just given Mr. Devine with reference to the attitude of the department with reference to civil rights, were you still with the department when the COINTEL program was initiated?

Mr. MALLEY. That was in another division. I did hear references to it. I was not thoroughly familiar with it.

Chairman STOKES. Well, since you have left the department are you now familiar with the COINTEL program?

Mr. MALLEY. Only what I have read in the newspapers. No other way could I be familiar with it since I left the Bureau.

Chairman STOKES. Are you aware of the fact that as a result of a Senate committee uncovering the COINTEL program, it has been described as being one of the most disgraceful activities to ever be conducted by the Federal Bureau of Investigation against people like Dr. Martin Luther King, and other civil rights persons?

Mr. MALLEY. I saw it in the paper that there was a lot of criticism.

Chairman STOKES. And having seen that in the paper, does that in any way impact upon your statements here this morning with reference to the great civil rights attitude of the department?

Mr. MALLEY. I didn't hear your last part.

Chairman STOKES. From what you have read, then, about the COINTEL program initiated by the Bureau, does that in any way impact upon the statements that you have made here about the fine attitude of the department toward civil rights?

Mr. MALLEY. When you say department, are you referring to the Justice Department or do you mean a department in the FBI?

Chairman STOKES. I am talking about the FBI.

Mr. MALLEY. The only thing that I can tell you is what I did say, that we were interested in conducting civil rights investigations. What was handled under the COINTEL program I cannot comment on because I don't know exactly what was going on.

Chairman STOKES. Another point with reference to Mr. Sullivan. It seems to me that the underlying question here is not whether he was a difficult man to get along with. The question, it seems to me, is as you knew him, was he a truthful man?

Mr. MALLEY. I can't cite instances. I would say there are a number of recollections where I felt to myself that that is not the way I understood the situation to be when I read certain things that he had prepared.

Chairman STOKES. That is not my question, sir. My question is, as you knew him, was he a truthful man?

Mr. MALLEY. I wasn't acquainted with him on a social basis. As far as official dealings with him, I did not always believe everything that he tried to convince me of. That still is not a direct answer. That is the only way I can answer it.

Chairman STOKES. Well, let's put it another way. From all that you knew about him, would you disbelieve him under oath?

Mr. MALLEY. I think that if it looked to Mr. Sullivan like it was to his advantage to say what he was thinking, he might say it, and I don't know whether he would even be aware whether he was fabricating or not.

Chairman STOKES. Mr. Malley, I think the question I am putting to you is a fairly simple question and really requires a fairly simple answer. From all you know about him——

Mr. MALLEY. I would not trust him.

Chairman STOKES. Beg pardon?

Mr. MALLEY. I would not trust him, if that is a better answer for you.

Chairman STOKES. There is a difference between trust and credibility.

Mr. MALLEY. Let me say then that I don't think his credibility was as high as most people that I was acquainted with in the Bureau.

Chairman STOKES. You don't care to answer my question, is that correct?

Mr. MALLEY. I can't say that he lied deliberately at any time. All I know is that I had many dealings——

Chairman STOKES. I just asked you sir, from all you knew about him, would you believe him under oath?

Mr. MALLEY. Not necessarily.

Chairman STOKES. Now, Mr. Hoover was a powerful man, wasn't he. Isn't that a fair statement?

Mr. MALLEY. I would regard it as true.

Chairman STOKES. And throughout the Bureau, by the men in the Bureau, he was regarded as being a powerful man, was he not?

Mr. MALLEY. Yes.

Chairman STOKES. And it will be a fair statement to say that in his imposing position he intimidated men who worked in that Bureau, isn't that true?

Mr. MALLEY. I won't agree with that statement. Some fellows may have felt that way. I felt that if I didn't like what Mr. Hoover was doing I had a right to walk out any time I wanted to. He didn't ask me to come to work, I asked him to work there.

Chairman STOKES. Well, with reference to other men in the Bureau, wasn't it commonly known that he intimidated men?

Mr. MALLEY. All I can answer there is to say that if something went wrong your agents knew they would probably be receiving disciplinary action. If you call that intimidation, maybe it is.

Chairman STOKES. And with reference to that disciplinary action, because of the fear of incurring his wrath, wasn't it commonly known in the Bureau that field supervisors would often cover up the mistakes of their men so as not to incur his wrath?

Mr. MALLEY. I don't have knowledge of that. I was a field supervisor for 4½ years and I don't remember that I ever covered up for anybody.

Chairman STOKES. Well, I am not asking you what you did, I am asking, wasn't it common knowledge?

Mr. MALLEY. I can't answer what other people did. When you say common knowledge, I don't know that to be common knowledge.

Chairman STOKES. I have no further questions.

The gentlemen from Indiana, Mr. Fithian.

Mr. FITHIAN. I yield to Mr. Sawyer.

Chairman STOKES. I am sorry. I didn't realize the gentleman had gotten back. The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. Thank you, Mr. Chairman.

As I understand your job of liaison entailed reading carefully anything that went from the Bureau to the Warren Commission?

Mr. MALLEY. That is correct.

Mr. SAWYER. At least that was part of the job?

Mr. MALLEY. Yes.

Mr. SAWYER. What was the purpose of your reading carefully everything that went to the Warren Commission before it went there?

Mr. MALLEY. To make certain that everything was properly, thoroughly, and exhaustively run out. Mr. Belmont and I had the same assignment, and in reading reports, et cetera, I know that I did it, and I am sure that Belmont made notes reading reports to double check back and see what the preliminary investigation was on certain matters, whether it had been completely followed through.

If there wasn't a definite answer, to see to it that further investigation was made, check with the supervisors to find out whether more investigation was being conducted.

Mr. SAWYER. Did you have authority to decide, after reading something, that it wasn't going to go to the Warren Commission?

Mr. MALLEY. I did not. There was nothing that came through, as far as the Bureau was concerned, that did not eventually go to the Warren Commission.

Mr. SAWYER. When you say eventually, what do you mean eventually?

Mr. MALLEY. What I am saying is that if a report came through and it was obviously incomplete and had not been thoroughly looked into, we sent it back to the field to get a more complete investigation and then sent over a completed product.

Mr. SAWYER. Did you do that, did you exercise any discretion with respect to things that, in your judgment, might be embarrassing to the Bureau?

Mr. MALLEY. I did not.

Mr. SAWYER. Was that part of your job?

Mr. MALLEY. As I said before, we were told to hold nothing back from the Warren Commission.

Mr. SAWYER. But you were told to read carefully anything before it went?

Mr. MALLEY. And to make sure it was accurate and fully investigated.

Mr. SAWYER. You operated somewhat as a censor, then, between the Bureau and the Warren Commission?

Mr. MALLEY. No, sir. When you say a censor, you are inferring I would have the right to take this out and take that out, and I am saying that my only purpose in reading material was to make certain that the investigation was complete.

Mr. SAWYER. So you only had authority to add in and not take out, is that correct?

Mr. MALLEY. And the additions would only be to get further data to explain what the thing was all about.

Mr. SAWYER. And you never in the course of this saw this Hosty letter either?

Mr. MALLEY. I have said four times I never saw the letter until—I am sorry, you were out, maybe you didn't hear me—I never knew

anything about the Hosty letter until 1 year ago when it came out in the newspapers.

Mr. SAWYER. Thank you.

I have nothing further, Mr. Chairman.

Chairman STOKES. Time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Now, let me just make sure I am correct. You were the first person assigned, you were initially assigned as the liaison to the Warren Commission, is that correct?

Mr. MALLEY. That is correct.

Mr. FITHIAN. And did anyone else serve as the liaison throughout its existence?

Mr. MALLEY. Not to my knowledge, unless there was some situation where I was ill or might have taken a day off, and I don't recall that occurring.

Mr. FITHIAN. And you told us that you reviewed documents and all matters that went to the Warren Commission, you read them personally?

Mr. MALLEY. That is right.

Mr. FITHIAN. I would now like to direct your attention to the Oswald address book and ask you whether or not you saw that document prior to its going to the Warren Commission?

Mr. MALLEY. To be specific, I can't recall that I saw the address book as such. I saw the results of everything that was in his address book in a report form and I believe that I was shown the actual address book.

Mr. FITHIAN. And did you satisfy yourself that it was authentic and complete; that is, did you look at the report that was going from the Bureau to the Warren Commission, compare that with the address book itself?

Mr. MALLEY. I had to use a little reliance on people who were working with me. To take the time to go through everything that was in Oswald's notebook and compare item by item, I could not take the time to do it.

Mr. FITHIAN. So that we can be completely accurate, then, it would be inaccurate to say that you read everything that was forwarded from the Bureau to the Warren Commission?

Mr. MALLEY. I did make the comment that I read any letters and all reports that went from the Bureau.

Mr. FITHIAN. Are you aware that a particular page from the Oswald notebook was not forwarded and that that page included agent Hosty's name and address and license number?

Mr. MALLEY. I had no recollection of it. I was told by one of your staff members that that occurred.

Mr. FITHIAN. Do you have any comment for the committee as to how that could have occurred?

Mr. MALLEY. No, I am not in a position to answer you because I knew nothing about it.

Mr. FITHIAN. Is it your professional judgment that the book once acquired by the FBI always remained in the possession of the Bureau?

Mr. MALLEY. It would be most unusual if it did not.

Mr. FITHIAN. And, therefore, would it be fair for the committee to conclude——

Mr. MALLEY. May I interrupt you there?

Mr. FITHIAN. Yes.

Mr. MALLEY. I do not know if this is one of the items of evidence that was picked up by the Dallas Police Department prior to the time that it was turned over to the FBI.

Mr. FITHIAN. Who would have given you the book?

Mr. MALLEY. One of the supervisors in Washington or one of the agents in the field office before it was sent into Washington; I cannot recall.

Mr. FITHIAN. Does the Bureau retain some kind of chain of custody within the Bureau?

Mr. MALLEY. Generally speaking, when a piece of evidence is picked up in the field, it is handled by the agent who picked it up until he dictates his material. It is then put in an evidence envelope. If it is coming to Washington, it is marked "evidence" so anyone knows that it is evidence.

Mr. FITHIAN. So it would be reasonable, would it not, to believe that the only possible alteration of the contents of the book would have to have been done by somebody in the Bureau?

Mr. MALLEY. All I can tell you is that we did receive a lot of material from the Dallas Police Department. When that book may have been turned over, if it was turned over by them, I don't know.

Mr. FITHIAN. I should correct this by saying it is the transcription that has the page removed.

Mr. MALLEY. Not from the actual report, and not from the actual notebook.

Mr. FITHIAN. No, I believe it is; I have to check with counsel on this, but I believe it is the transcription of the address book, that which was prepared by the Bureau, the transcription prepared to go through you to the Warren Commission, is that not correct, and so it would be a page of that transcription that is missing.

Mr. MALLEY. I would have no way of knowing.

Mr. FITHIAN. Who would have prepared the transcription and signed off on it?

Mr. MALLEY. It would depend on the agent's name that was on the report or whether it was an insert prepared by an agent.

Mr. FITHIAN. But when it got to you, you would verify that someone had, even if you didn't check it yourself, line by line, you would verify that somebody, some responsible authority in the Bureau, had signed off on the document, wouldn't you, isn't that the way you keep your custody straight?

Mr. MALLEY. Are you referring now to keeping the evidence straight or are you referring to this transcription?

Mr. FITHIAN. You see, I am not a lawyer, but it just seems to me that when the President of the United States is killed and documents are transmitted from one person to another or one agency to another, certainly documents as important as those belonging to the alleged assassin——

Mr. MALLEY. Certainly.

Mr. FITHIAN [continuing]. That there would have to be some kind of clear chain of travel for the document. I don't think it just appears in your hand, and so my question is: Was there not some

system in the Bureau whereby each person who had that and prepared the transcript and brought it to you as the supervisor, as the liaison to the Warren Commission, would have signed off on it? And your responsibility to the supervisor would have been to ascertain that, in fact, someone had attested to you in one form or another that that was a bona fide document, a complete document before it went to the Warren Commission. Now, is that too much to expect that that is the process?

Mr. MALLEY. You are dealing with an entirely different situation in this instance. It was usually handled in the field; namely, most pieces of evidence went direct from a field office to the U.S. attorney's office. In this instance, anything coming in from the Dallas office in the way of evidence would have had to come in, it would be seen by the supervisor and he, in turn, if it was being handled by an individual letter, would have kept it in a folder marked "evidence" and sent it to myself and then on up to Mr. Belmont.

As far as signing a document of some kind, to say this one handled it or that one handled it, I don't know of any time the Bureau followed that much of a clerical procedure.

Mr. FITHIAN. I ask for unanimous consent to proceed for 2 additional minutes, Mr. Chairman.

Chairman STOKES. Without objection, the gentleman is recognized.

Mr. FITHIAN. Let me review this, then. Since it has now been demonstrated that a page, in fact, of the transcription was missing and since reasonable evidence is that it came to the Bureau complete, the alteration, the omission would have to come either at the Dallas office level, at the Washington supervisor level, or by you or by the Warren Commission prior to publication. That's the only four stops that it made; isn't that correct?

Mr. MALLEY. Correct.

Mr. FITHIAN. And your testimony is that you did not know of the omission. Is that correct?

Mr. MALLEY. That's what I said.

Mr. FITHIAN. Now, there is additional evidence that the page, in fact, was not only missing, but that it was retyped so as to appear to be a complete record. What kind of penalty, what kind of reprimand might be reasonably expected to come down from the top, from you or someone, for the person who had made such an alteration? Wouldn't there be some kind of discipline?

Mr. MALLEY. If it had been known, there would have been a thorough check made and recommendations made.

Mr. FITHIAN. The way it appears to the casual and perhaps to even the careful observer is that the Hosty note was destroyed because it reflected badly on the Bureau, that the Oswald transcription was altered because it reflected badly on the Bureau and a number of other things were done so as to put the Bureau in the best possible light.

Can you give us any hard evidence as to why we should not believe that that is the case; that is, that various things were altered, omitted, or drafted in such a way as to put the Bureau in the very best possible light rather than to give the complete information to the Warren Commission?

Mr. MALLEY. Concerning your second comment, that Hosty's name was left out of this transcription, I know of no good reason that it would have been left out. Hosty, at one time, was handling the investigation of Oswald. The fact he had gone out and talked to his wife would be no reason to try to eliminate Hosty's name that I know of.

So, I am not in a position to say why anyone would eliminate it. I have to let you draw any conclusions you want to as to why these things were done because I do not know about them.

Mr. FITHIAN. And you are not prepared to offer any hard information as to why that kind of conclusion might be drawn by someone reviewing the documents?

Mr. MALLEY. No, I am not; I am not.

Chairman STOKES. The time of the gentleman has again expired. The gentleman from Pennsylvania, Mr. Edgar.

Mr. EDGAR. Thank you, Mr. Chairman.

Going back to the questioning of our chairman, Mr. Stokes, and the questioning of Mr. Devine about both Mr. Sullivan and Mr. Hoover, could you describe Mr. Hoover's personality to the committee as you understood it?

Mr. MALLEY. With regard to what?

Mr. EDGAR. What was he like to work for as an individual?

Mr. MALLEY. He was a very domineering individual who wanted the job done by everybody that was involved. As far as I am concerned, demanded as much excellence that was possible to obtain.

Mr. EDGAR. In the course of your many years in the FBI, did you see any changes in Mr. Hoover's personality?

Mr. MALLEY. I don't think so.

Mr. EDGAR. So, he was the same in 1955 as he was in 1963 and the same as he was in 1968?

Mr. MALLEY. As far as I am concerned.

Mr. EDGAR. It has been pointed out through a number of documents that we have had access to that Mr. Hoover became concerned at some point that the FBI would not be looked upon favorably by the Warren Commission. Is that your impression of Mr. Hoover's concern during the end of 1963 and early 1964?

Mr. MALLEY. I have previously stated that I saw nothing to indicate that Mr. Hoover was worried about what the Warren Commission came up with. He wanted us to thoroughly cooperate with them, thoroughly go ahead with our investigation.

You say you have these indications; I know nothing about them.

Mr. EDGAR. Well, on an April 3, 1964, memorandum to William Sullivan, he handwrote the note, "Their so-called compliments of the Bureau's work are empty and have no sincerity." It goes on to point out several other memorandums and notes where Mr. Hoover was concerned about how the Bureau would be seen. I do note that there was by one agent—well, here's another quote of Mr. Hoover, "In any event, such gross incompetency cannot be overlooked for administrative action postponed," and this was a handwritten note on the 17 agents that were going to be disciplined secretly.

Did you know of that disciplinary action?

Mr. MALLEY. I knew that Mr. Gale had been requested to conduct an investigation. I didn't know when he completed it, nor did I

know all details about it. I don't recall that I ever saw the memorandum that recommended it.

Mr. EDGAR. Did you ever bring to the attention of the Warren Commission that there were agents who were reprimanded?

Mr. MALLEY. I just got through telling you that I never saw the note, memorandum. I wasn't aware of all the details and I, therefore, would not have had anything to do with bringing it to their attention.

Mr. EDGAR. It seems to me that what you are saying by that answer is, even though you were the liaison person for the FBI, there was information available to the FBI not available to you that was not transmitted to the Warren Commission.

Mr. MALLEY. As I said, I was not shown the memorandum. I couldn't have made any recommendations about it going any place, not knowing whether it had ever been completed.

Mr. EDGAR. I can respect that. From the indications that I am receiving from reading these documents, Mr. Hoover was angry that those agents did not put Mr. Oswald on the security index and yet Mr. Hoover, at least, did not direct you to transmit that information, and the reasons for that feeling on his part to the Warren Commission; is that correct?

Mr. MALLEY. I can't answer what Mr. Hoover thought.

Mr. EDGAR. Did you ever transmit to the Warren Commission the feeling of the Director that Lee Harvey Oswald should have been on the security index?

Mr. MALLEY. No; not to my recollection.

Chairman STOKES. The time of the gentleman has expired. The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. You knew Agent Hosty was suspended or otherwise disciplined for his conduct in connection with the Oswald affair; did you not?

Mr. MALLEY. I don't recall the exact date. I do know that eventually for some time he was suspended, but I don't remember when it was.

Mr. SAWYER. Do you know why?

Mr. MALLEY. Are you referring to the original investigation? Are you referring to the Hosty note or what are you referring to?

Mr. SAWYER. Do you know why he was suspended—Agent Hosty?

Mr. MALLEY. If I knew, I would be glad to tell you. I do not know.

Mr. SAWYER. And it was then, in your view, just happenstance that Hosty was eliminated from this transcription of the notebook?

Mr. MALLEY. I didn't say that. I said I do not know why it would have been because I see no reason for it to have been.

Mr. SAWYER. You don't think that reason could have been connected with the same reason that Hosty was suspended for his activities?

Mr. MALLEY. I really can't say that I would take that attitude because it was very obvious from the reports that were available that Mr. Hosty had been involved in the investigation of Oswald. I don't know why they would want to try to eliminate his name just from a notebook.

Mr. SAWYER. I have nothing further, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

Mr. Malley, as a witness before our committee, at the conclusion of your testimony, you are entitled to 5 minutes at which time you may, in any way, explain any portion of your testimony, you may comment upon it, you may expand upon it in any way.

On behalf of the committee, I, at this time, extend to you 5 minutes for that purpose.

Mr. MALLEY. I have no further comments I desire to make.

Chairman STOKES. There being nothing further, on behalf of the committee, we thank you for having appeared here and giving us your testimony today.

Thank you very much. You are excused.

[Witness excused.]

Chairman STOKES. The Chair now recognizes Professor Blakey.

NARRATION BY G. ROBERT BLAKEY, CHIEF COUNSEL

Mr. BLAKEY. Thank you, Mr. Chairman.

The FBI security case on Lee Harvey Oswald was opened on October 31, 1959, after it was learned that he had defected to the Soviet Union and had informed officials at the American Embassy in Moscow that he intended to provide radar secrets to the Russians.

The case was intermittently closed and reopened during the following 4 years as Oswald returned from the Soviet Union and moved from Fort Worth to Dallas to New Orleans and back again to Dallas.

It is the handling of the Oswald case that resulted in a decision by Director J. Edgar Hoover, not made public at the time, to discipline a number of Bureau employees, including an assistant director.

The next witness, Mr. Chairman, is a retired official of the FBI, James H. Gale. Immediately after the assassination of President Kennedy, Director Hoover assigned Mr. Gale to conduct an inspection of the Bureau's performance in the Oswald security case prior to the assassination. Mr. Gale's reports resulted in the censuring of a number of FBI employees.

Mr. Gale was hired as an FBI clerk on November 29, 1939, and became an agent on June 21, 1943. He has served as the assistant special agent in charge and special agent in charge in Anchorage, Alaska, and a special agent in charge in Richmond, Cincinnati, and the Washington field offices, as well as Chicago.

In 1962, Mr. Gale became Assistant Director for the Inspection Division. In 1964, Mr. Gale became Assistant Director of the Special Investigative Division. He retired from the Bureau on October 1, 1971.

Mr. Chairman, before calling Mr. Gale, it may be appropriate to note for the record that the select committee has deposed Special Agent James B. Hosty. His testimony was also taken earlier by other House and Senate committees and the select committee has, through the courtesy of those committees, full access to Mr. Hosty's testimony.

The select committee has also been in recent contact with Special Agent Hosty. Mr. Hosty has now new information to offer this committee. Newspaper stories that have recently indicated otherwise are not founded in fact. Mr. Hosty's role in the Oswald secu-